

MAKERERE UNIVERSITY

MAKERERE INSTITUTE OF SOCIAL RESEARCH / INTERNATIONAL ALERT

PARA-MILITARISM AND HUMAN RIGHTS
IN UGANDA

by

INSTITUTE
OF
DEVELOPMENT
STUDIES
LIBRARY

Prof. KHIDDU-KUKUBUYA
Faculty of Law,
Makerere University

the need for all countries

It is Paper presented to the International Seminar on Internal Conflict, 21st - 25th September, 1987; sponsored by International Alert, London; Makerere Institute of Social Research, Makerere University; International Peace Research Institute, Oslo; and The United Nations University, Tokyo.

Views and opinions in this paper are the sole responsibility of the author, not the sponsors' nor those of the organisation the author comes from.

PARAMILITARISM AND HUMAN RIGHTS IN UGANDA

E. Khiddu-Makubuya*

"All the issues between two hostile armies depend on war for their solution, and China's survival or extinction depends on her victory or defeat in the present war. (1938). Hence our study of military theory, of strategy and tactics and of army political work brooks not a moment's delay. ... our study of tactics is still inadequate.... ... So far only a few people have taken up the study of the problems of strategy and the theory of war. First-rate results have been achieved in the study of our political work.... The popularization of military knowledge is an urgent task for the Party and the whole country. We must now pay great attention to all these things, but most of all to the theory of war and strategy. I deem it imperative that we arouse interest in the study of military theory and direct the attention of the whole membership to the study of military matters."

Mao Tse Tung (1938):¹

The main objective of this paper is to raise a few human rights issues which relate to significant human institutions which usually receive scant treatment in legal and/or social science literature. I refer here to the theory and practice of paramilitarism and the institutions through which it is normally practically manifested. After a general overview of issues, I will raise specific issues pertaining to the particular and concrete situation of Uganda with particular reference to human rights.

The opening quotation from Mao Tse Tung forcefully underlines the need for all concerned to pay attention to military matters. It is a fact that policy makers, scholars, and, not unusually, ordinary people throughout the ages have paid significant attention to matters of military. In the same way, the regular Police and its operations receive regular attention from policy makers, scholars, ordinary people (who are usually at the receiving end), advocates of civil liberties etc. Indeed, one will find national laws and international norms governing military and police work. The same is, however, not true of paramilitary institutions.

What, then, are paramilitary institutions? I accept that a paramilitary institution could take many forms. Consequently, it will naturally be difficult for any group of scholars to agree on a standard or uniform definition. While the principle of paramilitarism is universal, its practical implementation varies from country

to country. Add to this, the characteristic reluctance of many people to discuss the issue at all or to supply information thereon. One is thus forced to resort to Max Weber and initially define a paramilitary institution as an ideal type. It is an institution or strategy of military police and, certainly, intelligence nature. It is neither regular police nor army. Operatives of a paramilitary institution are assumed to have received police or army training to which they are presumed to have added training special skills that make them especially qualified for paramilitary tasks. Since a paramilitary organization is, inter alia, an intelligence unit disguise and camouflage are part of its operational principles. This means that operatives be not easily identifiable. Hence the necessity to get by without uniform. It is often claimed that a paramilitary organization has a non-specific functional brief. This is strictly not correct. A critical inquiry will soon reveal that the bosses and the line operatives within the organization will, between them, be articulate on the specific functional briefs of their organization. What is also true is that while the functional brief is specific and known within the organization itself, the brief remains specifically undisclosed to the public except in the few instances when astute observers may be able to read between the lines of the practical operations of the organization. The powers and operational of the regular army and the police will normally be spelt out in national laws and international norms. Military Manuals and Police Handbooks are by definition public documents which, in most countries, can be bought by ordinary people from neighbourhood bookstores or read in a nearby public library. On the other hand the powers and operational code of a paramilitary organization essentially remain unpublished. Indeed one could legitimately say that a paramilitary organization has undefined and practically unlimited powers. The regular army and police are usually amenable to some form of public control or collective scrutiny. A paramilitary set up is not so easily amenable. Rather it is normally under the control of the Head of the Executive or an officer who is, in turn, under the Heads direct. In many countries paramilitary organizations conduct themselves as though they were above the law. A wide cross section of the public know and believe them to be above the law. The apparently unlimited power of paramilitarism and the absence of a published operational code has promoted another tendency _____ unusual, unfamiliar and/or irregular methods of operation. Enlightened publics would normally be familiar with police values, and military values and their

usual modes of expression. The same publics are often puzzled in the face of the unusual methods employed by paramilitary. It must be admitted that correct information about paramilitarism is hard to come by. Even in the best of circumstances one has to deal with a great cloud of myth and lore about paramilitarism. The paramilitary organizations themselves appear to have some use for this myth and, on occasion, actively to promote it. Critical analysis of paramilitarism will soon reveal that its effectiveness depends on the said myth and unlimited power rather than on organizational, management and/or operational skills. In theory, paramilitarism is supposed to execute duties of a "counter" nature, to protect the security of the state against its supposed external enemies. In practice, neither the operatives themselves nor their publics have found it easy to distinguish between the requisites of state security and the essence of individual political survival of the politicians of the day. In practice, once again "counter" duties have tended to recede into the background while paramilitarism increasingly became the practical implementation of the Machiavellian principle that in the dynamics of statecraft it was better to be feared than to be respected. Consequently, paramilitarism ends up as an instrument of state coercion and political terrorism.² Paramilitarism has often been a major factor in the generation of war mentality especially in times of peace. The paramilitary operatives have turned into security missionaries who see themselves as being at war with the supposed enemies of the state. In this set up it becomes more or less natural that paramilitary operatives be given all the power they need and that their claim to resort to unusual methods of operation become easy to concede.

In short, paramilitarism has become a significant factor in undermining the rule of law and in actual violations of human rights. This is really an understatement. In many situations of gross violations of human rights it is neither the regular army nor the police which has been at the forefront. Rather, it was the paramilitary set up at the forefront. Herein lies the necessity sufficiently to focus on paramilitary phenomena if one is seriously to promote and protect human rights.

I must emphasize that paramilitarism is universal. Paramilitary institutions exist all over the world today. Indeed every country must have at least one paramilitary organization which carries at least some of the characteristics referred to above.

itarism exists in the so-called developed and underdeveloped es. It also exists in the communist and the so-called "Free

hat then has been and is the position in Uganda? At Uganda's
ence in 1962 the country inherited a colonial army and
l police force.

at then has been and is the position in Uganda? The facts
; Uganda has experienced unprecedented violations of human
ince independence. If Uganda has a reputation in the
rary world, it is that of a country where governments have,
s, not respected fundamental human rights. The country has
e constitutions 1962, 1966 and 1967 each of which has
a comprehensive bill of rights. The country has a dramatic
which includes highly publicised religious martyrdom.
hurchill claimed in My African Journey (1908) that "Uganda
rly tale. You climb up a railway instead of a beanstalk
e top there is a wonderful new world. The slavery is
, the vegetation is different, the climate is different,
of all, the people are different from anything elsewhere to
n the whole range of Africa..." Some Ugandans have also
over the years that their country was "the Pearl of Africa".
most this has turned out to be wishful thinking. Of late
en the sickman of Africa characterised by widespread state-
murder and terror, ethnic and religious strife, internal
lent politics, massive expulsions and displacement of
etc.³

ve indicated elsewhere that there was nothing accidental
phenomenon of massive violations of human rights, inhumana-
brutality in Uganda.⁴ I have also argued in the same place
isfactory explanation of these said inhumanity must take
the multifaceted colonial legacy, ethnicity and ethnic
religious identity, differential develop regimes, massive
oor political leadership, neocolonialism, political
opment.

te that the role of the Uganda military in the phenomena
violations of human rights, brutality and inhumanity has
ceive serious and systematic treatment in the literature.
f paramilitary institutions in Uganda's plight is yet to

receive similar treatment. And yet it would be hard not to admit that paramilitary institutions have played a significant role in the massive violations of human rights inhumanity and brutality wrought in Uganda over the years. The paramilitary institutions one has in mind here have included:-

- General Service Unit
- Special Force
- Public Safety Unit
- State Research Bureau
- Anti-Corruption Unit
- Anti-Smuggling Unit
- Military Intelligence,
- National Security Agency (NASA)

A comprehensive review of paramilitarism in Uganda or of the eight agencies listed herein above cannot be given here. However, it is important to note a few particular tendencies of paramilitarism in the Uganda context:-

- (i) Until 1987, there was no legislation specifically dealing with paramilitarism. In theory, the paramilitary institutions were to be subject to the constitution and the general law of the land. The fact of the matter was that all the agencies were really a law unto themselves. They were instrumental in the perpetuation of state terror as well as anarchical terror in Uganda.⁶
- (ii) Throughout the past twenty four years of Uganda's independence public announcements were issued regularly inviting candidates to join the army and the police. I am not aware of a single public announcement inviting interested candidates to join any of the paramilitary organisations. Recruitment into these organisations remained and still remains a secret and clandestine matter, based on criteria peculiarly known to the recruiters and the recruited. However, reading between lines one notes that every regime has applied more or less sectarian recruitment criteria selecting from so-called trusted nationalities or political groups.
- (iii) There are well known Police Training and Army Training Schools in Uganda. Characteristically, however, there has never been a single gazetted paramilitary training school. One notes that many personnel of Ugandan

paramilitary organizations have had police or army backgrounds. It is not clear whether or how they acquired necessary additional training. However, in 1980-1985, a paramilitary academy was reputed to have existed on the shores of Lake Victoria only a few miles from Kampala. The list of subjects studied and instructors is quite instructive. On the other hand, some of the operatives had nothing to recommend or qualify them besides their nationality and presumed loyalty to the regime of the day. Paramilitary institutions in Uganda seem to have had a good many resources for their operations. Motor vehicles were hardly available for official and personal use. Sophisticated communication systems were also available. Above all, weaponry of all convenience were available. Facilities for travel abroad for business or for pleasure were also readily available.

The paramilitary organizations in Uganda have been under the direct control of the President or under the control of an officer especially trusted by the President. This has applied to all the agencies listed herein above.⁷ One result of this arrangement was the reinforcement of the personality cult. It became increasingly and painfully clear that the paramilitary agencies were more concerned with the individual political survival of their losses than with state security.

Functional Briefs of the more sinister agencies remained obscure to the agency. There are very few ordinary Ugandans of the 1960s who knew what the General Service Unit was supposed to do. Its personnel spied massively on citizens and others. It was instrumental in the harassment and arrest of thousands of alleged enemies of the government of the day. In practice, the General Service Unit was an internal security agency. It then comes as a surprise to learn that, in its inception, the General Service Unit was supposed to counterforeign spying in Uganda. Similarly the State Research Bureau of the 1970s was, in practice, a ferocious instrument of internal state terror and repression. And yet the former Head of the State Research Bureau, Lt. Col. Francis Itabuka had, before he turned himself off, told the Uganda Commission of Inquiry into Violations of Human Rights that

his outfit was supposed to be a counter-intelligence organization. The non-disclosure of functional briefs and the decisively personalised control leads to diffuseness of functions and to more pervasive violations of human rights and undermining of the rule of law.

(vii) Paramilitary organizations have not only been above the law. They have also consistently enjoyed the prerogative of deploying unusual methods in the course of their operations. Ordinary police had no power to torture people. The paramilitary could and can torture with impunity. To this one may add such peculiar methods like carrying suspects in carboots, extorting ransoms, demanding money with menaces, murder, etc.

(viii) The foreign contacts of the paramilitary in Uganda have been considerable. It has been said again and again that the founder personnel of both the General Service Unit and the Public Safety Unit were Israeli trained. Ugandan paramilitary personnel have received training in the United Kingdom, the U.S.S.R., the U.S.A., Ghana, India, North Korea, Tanzania, Cuba and Libya. Indeed the very dungeons of the State Research Bureau at Nakasero were designed and built by foreigners. The agencies have been beneficiaries of foreign systems of communications supporting services and actual line personnel from outside Uganda.^e

One needs to emphasize that Uganda's paramilitary outfits have not only been principal instrumentalities of violations of human rights in Uganda. They have also served to perpetuate regimes in power by one-sided intervention invariably in favour of the incumbents. Their sectarian composition has tended to exacerbate sectarian conflicts within the Ugandan society. They have thus undermined the development of national democratic institutions and the emergence of rules of fair play in Ugandan public life.

In attempting to envision the future, one needs to emphasize that paramilitarism is a universal principle of contemporary life. One need not say that it is here to stay. But it will certainly remain a matter to reckon with for the foreseeable future. And this could be a long time in the life of human society. We also need to avoid the mistake of abstracting paramilitarism from the general body politic. Paramilitarism is necessary complement of state power. It would be unrealistic to expect that paramilitary organizations

e qualitatively better than the state which they are meant to

The following interesting letter appears at page 8 of Africa (London) August 1983:-

"The situation in Uganda. I am an Acholi army officer situated at one of the barracks around Kampala. I have been forced to write this letter because of the numerous Ugandans of the Baganda ethnic group who are being killed by us soldiers on orders from our commanders. These unfortunate and innocent people (young and old, men and women, and even babies) are being killed by us every day at military barracks, in their homes, villages and streets in Buganda.

Instructions to kill are passed on to us by Acholi and Lango officers, and a few trusted Itesots, in the Luo language so that other Bantu soldiers may not know the idea behind the killings. We are ordered to kill Baganda of all ages so that this province with 4 million will be depopulated before the next general elections. By reducing the Baganda to a minority group, it will enable us northerners to rule Uganda without any problems from the Baganda.

Recently, we were sent to the Luwero area with instructions to kill everybody and destroy all the homes, cattle etc. Thousands of people of all ages were killed, houses bombed, women and girls raped and a lot of property looted. A good number of the soldiers particularly the Acholis, did this against their will for they see no reason for killing innocent people. The majority of us Acholis now wish to leave the army but are afraid of the consequences which will be brutal. We are told that after successfully depopulating Luwero and Mpigi Districts (which is currently being done) the next area will be Mukono and then Masaka. All this must be completed in 1985.

The purpose of this letter is to draw the attention of the world to the thousands of people who have been killed in government institutions, in villages, etc. and to the fate of innocent Baganda awaiting death. In fact more people have been killed in Buganda during the last two years than in eight years of Amin. History will show this.

I wish to end by appealing to all Uganda Army soldiers, especially the Acholis, to disobey the killing orders and save the lives of the Baganda --- for humanity's sake and for the sake of our tribe's future.

Worried Acholi Soldier - Kampala Uganda."

Worried Acholi soldier was for real or just a flag of defiance, the issues raised in the letter still cut deep in a society. One could easily have substituted any paramilitary organization then operating in Luwero for the Uganda Army. A realistic future perspective on paramilitarism in Uganda must be the attenuation of the maze of obvious primitive forces in Uganda. Worried Acholi soldier found himself inextricably caught.

This is impossible in present day Uganda without replacing the present unjust state with equitable and people oriented arrangements.

Even then paramilitarism would very much still be with us. Then possibly, the Ugandan society would collectively afford itself the opportunity to review the policy on paramilitarism and decide on the forms and character which it ought to take including, the necessity for a multiplicity of paramilitary agencies over and above Army, Police, CID, Special Branch, Customs Police, Immigration, etc; the functional brief of paramilitarism; which brief should necessarily determine the requisites of training, resources, recruitment criteria, operational codes etc; collective control on paramilitarism; public accountability of paramilitarism; etc.

I contend that the relative absence of thorough going scholarly work on paramilitarism is hypocritical since paramilitarism temporary accident in human society. A society like Uganda which has suffered and continues to suffer at the hands of paramilitary agencies cannot afford to push the subject under the table. I note that the National Resistance Council (Uganda's interim parliament) is still dealing with "The Uganda Security Organizations Bill 1987." The bill seeks to establish security organizations, their constitution, management and functions. The bill declares that two security organizations (External Security Organization and Internal Security Organization) be set up as Departments within the Office of the President. Their functions shall be:-

- (a) to collect receive and process internal and external intelligence on the security of Uganda;
- (b) to advise and recommend to the President or any other authority as the President may direct on what action should be taken in connection with such intelligence.

The bill indicates that there will be some attempt to extract public accountability from future paramilitary operatives. The enactment of this bill is a major step in the right direction. But it would be unrealistic to consider that that was all. More will have to be done at the intellectual and practical/technical level if Uganda is to be saved from future paramilitary operatives turning into murderers, rapists, sadists etc.

Hence, the following Agenda for Research on Paramilitarism:-

1. Origins of Paramilitarism.
2. Rationale/Philosophy of Paramilitarism.
3. Practical dynamics of Paramilitarism.
4. Comparative Aspects of Paramilitarism.
5. Regulation and control.
6. Alternatives to Paramilitarism.

FOOTNOTES:

- * Advocate of the High Court of Uganda and Associate Professor of Law, Makerere University.
1. Mao Tse Tung, Six Essays on Military Affairs, (Foreign Language Press, Peking, 1972) at p.363.
 2. E.V. Walter, Terror and Resistance (O.U.P., 1969); T. Plate/A. Darvi, Secret Police (Abacus, 1983); Tom Bowden, Beyond the Limits of the Law (Penguin Books, 1978).
 3. Details documented minutely elsewhere e.g. D. Martin, General Amin (Faber & Faber, London, 1974), Thomas & Margaret Melady, Idi Amin Hitler of Africa (Sheed, Andrews & McMeel, Kansas, U.S.A., 1977), Kefa Sempangi, Reign of Terror, Reign of Love (Regal Books, London, 1979), Henry Kyemba: A State of Blood (Foddington Press, 1977), D. Gwyn, Idi Amin: Deathlight of Africa, (Little Brown & Co., 1977), A.A. Mazrui, Soldiers and Kinsmen in Uganda (Saza Publications, Beverly Hills, 1975), J. Listowell, Amin, (IUP Books, Dublin, 1973), M. Mondani, Imperialism and Fascism in Uganda (HEB, 1983), The Minority Rights Group, Uganda and Sudan Report No.66; Uganda Six Years After Amin (Amnesty International, London, 1985)
 4. E. Khiddu-Makubuya, The Rise of the Authoritarian State in Uganda, Paper presented to second Triennial Congress of OSSREA held in Eldoret, Kenya, 28th - 31st July, 1986.
 5. e.g. D.M. Mudoola, The Role of the Army in Society, paper presented to African Association of Political Science Regional Workshop on "Constitutionalism and Political Stability in the East Africa region" held in Nairobi, Kenya, 5th - 7th January 1987.
 6. D. Gwyn, Idi Amin: Deathlight of Africa (Little Brown & Co. 1977). See Afterword by A.A. Mazrui.
 7. See Akona Adoko, From Obote to Obote (Vikas Publishing House PUT Ltd., 1983) pp.82-121; and, Christopher Sebuliba vs. Abubakar Kakyama Mayanja - Another H.C. Miscellaneous cause No.1 of 1981 (Matter of Election Petition/Mubende South East).
 8. M. Mondani, Imperialism and Fascism in Uganda (HEB, 1983) especially Chapter 7; and T. Avirgan & M. Honey, War in Uganda (Tanzania Publishing House Dar es Salaam, 1982) Chapters 1 & 2.

usual modes of expression. The same publics are often puzzled in the face of the unusual methods employed by paramilitary. It must be admitted that correct information about paramilitarism is hard to come by. Even in the best of circumstances one has to deal with a great cloud of myth and lore about paramilitarism. The paramilitary organizations themselves appear to have some use for this myth and, on occasion, actively to promote it. Critical analysis of paramilitarism will soon reveal that its effectiveness depends on the said myth and unlimited power rather than on organizational, management and/or operational skills. In theory, paramilitarism is supposed to execute duties of a "counter" nature, to protect the security of the state against its supposed external enemies. In practice, neither the operatives themselves nor their publics have found it easy to distinguish between the requisites of state security and the essence of individual political survival of the politicians of the day. In practice, once again "counter" duties have tended to recede into the background while paramilitarism increasingly became the practical implementation of the Machiavellian principle that in the dynamics of statecraft it was better to be feared than to be respected. Consequently, paramilitarism ends up as an instrument of state coercion and political terrorism.² Paramilitarism has often been a major factor in the generation of war mentality especially in times of peace. The paramilitary operatives have turned into security missionaries who see themselves as being at war with the supposed enemies of the state. In this set up it becomes more or less natural that paramilitary operatives be given all the power they need and that their claim to resort to unusual methods of operation become easy to concede.

In short, paramilitarism has become a significant factor in undermining the rule of law and in actual violations of human rights. This is really an understatement. In many situations of gross violations of human rights it is neither the regular army nor the police which has been at the forefront. Rather, it was the paramilitary set up at the forefront. Herein lies the necessity sufficiently to focus on paramilitary phenomena if one is seriously to promote and protect human rights.

I must emphasize that paramilitarism is universal. Paramilitary institutions exist all over the world today. Indeed every country must have at least one paramilitary organization which carries at least some of the characteristics referred to above.

This work is licensed under a
Creative Commons
Attribution – NonCommercial - NoDerivs 3.0 Licence.

To view a copy of the licence please see:
<http://creativecommons.org/licenses/by-nc-nd/3.0/>