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December 22, 2020

**Via email**

Hon. Chris Coons  
United States Senate  
218 Russell Senate Office Building  
Washington, DC 20510

**Re: World Bank Loan Made to the Ugandan Government That May Be Financing Ongoing Human Rights Abuses**

Dear Senator Coons,

We write on behalf of the New York City Bar Association to bring to your attention a \$300 million World Bank loan to the Ugandan government, ostensibly intended to fund COVID-19 relief measures, but which may be financing ongoing human rights abuses committed by the security forces against political opposition candidates and their supporters ahead of the January 2021 presidential and parliamentary elections.

The circumstances of this loan call into question the sufficiency of measures the World Bank has taken in recent years to promote good governance and human rights safeguards in the countries to which it lends. We urge you to raise this matter with the Lantos Human Rights Commission, and the US Senate Foreign Relations Committee and its Subcommittee on Multilateral International Development, Multilateral Institutions, and International Economic, Energy, and Environmental Policy; and the Subcommittee on Africa and Global Health Policy. We also request that you urge the Government Accounting Office to investigate this matter. As the World Bank's and Uganda's largest donor, the United States has a responsibility to ensure that World Bank funds do not abet repression and are used in ways consistent with America's commitment to the promotion of human rights and democracy.

The New York City Bar Association is an independent, non-governmental organization with more than 25,000 members. These members include lawyers, judges, law professors, and

government officials from the United States and over 50 countries. Founded in 1870, the Association has a long history of dedication to promoting human rights and the rule of law. The Association's Cyrus R. Vance Center for International Justice advances global justice by engaging lawyers across borders to support civil society and international human rights bodies. The African Affairs Committee closely monitors, reports on, and responds to legal developments in Africa. And the International Human Rights Committee investigates and reports on human rights conditions around the world.

In May, the World Bank announced a \$300 million loan to Uganda,<sup>1</sup> one of Washington's closest African military and development partners, ostensibly for COVID-19 relief, to assist the government in its capacity to prevent, detect and treat the coronavirus; protect the largely poor and vulnerable population; and support economic recovery. However, it has come to our attention that this closely resembles the amount (1.033 trillion Uganda Shillings) allocated to a supplementary classified expenditure budget by the Uganda government one month prior.<sup>2</sup> In Uganda, classified expenditures go to the security forces, mainly the military and police, as well as to the Office of the President. Such funds are not subject to oversight or even scrutiny by Uganda's Parliament or donors.<sup>3</sup>

We have reason to believe that some of this classified expenditure money is being used to finance ongoing human rights abuses against the political opposition and the continued militarization of January's scheduled elections. As you may be aware, widespread demonstrations following the arrest of popular opposition figure Bobi Wine/Robert Kyagulanyi on November 18 were met with indiscriminate shootings by Ugandan security forces that claimed the lives of at least fifty people. Countless others were severely wounded. Many, if not most, of the victims were not even demonstrators but innocent bystanders. No one was harmed by the demonstrators, who bore no weapons. Wine was detained for two days without access to his family, doctors, or counsel. When he was produced in court, he was charged with holding a rally of more than 200 people, in violation of COVID social distancing regulations—something Museveni and other ruling party candidates have been doing with impunity.<sup>4</sup> His campaign events continue to attract huge crowds, and security forces continue to kill and injure his supporters. On November 30, security forces killed five people in the provincial town of Mukono; on December 1, men in police uniform nearly killed Bobi Wine himself. His vehicle was riddled with bullet holes, and his manager Dan Music Oryewot was critically wounded.

As the World Bank's and Uganda's largest donor, the United States has a responsibility to ensure that foreign assistance does not abet repression and is used in ways that are consistent with America's commitment to the promotion of human rights and democracy and World Bank

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<sup>1</sup> See World Bank Press Release, June 29, 2020, available at <https://www.worldbank.org/en/news/press-release/2020/06/29/uganda-world-bank-provides-300-million-to-close-covid-19-financing-gap-and-support-economy-recover> (all websites last visited Dec. 15, 2020).

<sup>2</sup> Parliament of Uganda. A Minority Report on Supplementary Expenditure Schedule no. 2 Addendum 1 and 2 for FY 2019/20. April 2020. (Document on file with the New York City Bar Association.)

<sup>3</sup> Helen Epstein, In Uganda, Another Museveni Crackdown, *New York Review of Books*, Nov. 25, 2020, available at <https://www.nybooks.com/daily/2020/11/25/in-uganda-another-museveni-crackdown/>

<sup>4</sup> See *id.*

safeguards and good governance standards.<sup>5</sup> Uganda is a stalwart US security partner: it is the largest troop contributor to the African Union Mission to Somalia (Amisom), to which the US is a major financial donor and contributor of guards under US command in Iraq.<sup>6</sup> In return, Uganda receives hundreds of millions of dollars in US foreign assistance annually.<sup>7</sup> While much of this goes directly to humanitarian projects and NGOs, US funds also go to the Ugandan Treasury via the World Bank, to which the US is the largest donor.

Uganda, under President Yoweri Museveni, whose National Resistance Army seized power by force 35 years ago, is repressive and violent and has a long track record of suppressing political opposition. Its security forces routinely torture legislators and kill opposition supporters.<sup>8</sup> In 2016, the Ugandan army gunned down over 100 unarmed villagers, including women and small children.<sup>9</sup> Museveni then promoted the commander of that operation.<sup>10</sup> Under Museveni, Ugandan forces have also sparked unprovoked conflicts in neighboring countries, as well as within Uganda itself that have cost millions of lives.<sup>11</sup> Although Uganda has been praised for its assistance to refugees, Museveni's military has worsened or provoked anew the conflicts in South Sudan and Congo from which most of those refugees have fled.<sup>12</sup>

Museveni will contest the upcoming presidential election (his sixth) on January 14, 2021. His previous elections were marred by state violence against the opposition, voter bribery, and

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<sup>5</sup> See <https://www.worldbank.org/en/projects-operations/environmental-and-social-policies>; <https://www.worldbank.org/en/topic/governance>.

<sup>6</sup> J.P. Lawrence, Wounded in Iraq, Ugandans Fight for Compensation from America, THE INTERCEPT (22 Feb. 2016), available at <https://theintercept.com/2016/02/22/wounded-in-iraq-ugandan-contractors-fight-for-compensation-in-america/>.

<sup>7</sup> See <https://foreignassistance.gov/explore/country/Uganda>.

<sup>8</sup> Helen Epstein, Debt Relief for Tyrants is a Terrible Idea, THE NATION (3 June 2020), available at <https://www.thenation.com/article/world/uganda-aid-debt/>; Helen Epstein, The US Turns a Blind Eye to Uganda's Assault on Democracy, THE NATION (20 July 2018), available at <https://www.thenation.com/article/archive/us-turns-blind-eye-ugandas-assault-democracy/>; A Pop Star, a Protest, and a Likely Case of Torture in Uganda, THE ATLANTIC (25 Aug. 2018), available at <https://www.theatlantic.com/international/archive/2018/08/uganda-bobi-wine-arrested/568549/>.

<sup>9</sup> Uganda: No Justice for 2016 Kasese Massacre by Security Forces, HUMAN RIGHTS WATCH (10 Oct. 2018), available at <https://www.hrw.org/news/2018/10/10/uganda-no-justice-2016-kasese-massacre-security-forces>.

<sup>10</sup> Commander of Kasese Attacks Elwelu Promoted to Lt General, Business Focus, Feb. 8, 2019, available at <https://businessfocus.co.ug/commander-of-kasese-attacks-elwelu-promoted-to-lt-general/>.

<sup>11</sup> Helen Epstein, *Another Fine Mess: America, Uganda and the War on Terror*, Columbia Global Reports (2017). Chapters 2-9 describe Museveni's military support for violent rebel movements in Sudan, Rwanda and Zaire/DR Congo from 1990 until 2013. In 2014, Museveni intervened in on the side of the government in the South Sudan civil war, greatly prolonging that conflict. See Benita van Eyssen and Alex Gitta, Uganda's double game in South Sudan civil war revealed, DW, Nov. 29, 2018, available at <https://www.dw.com/en/ugandas-double-game-in-south-sudan-civil-war-revealed/a-46500925#:~:text=Despite%20its%20role%20as%20peace,war%2C%20a%20new%20report%20shows>.

<sup>12</sup> Helen Epstein, Dishonoring Uganda's Refugees, Project Syndicate, Jun. 26, 2017, available at <https://www.project-syndicate.org/commentary/uganda-museveni-refugee-crisis-by-helen-epstein-2017-06?barrier=accesspaylog>

vote-rigging,<sup>13</sup> and this election is shaping up to be the most brutal yet. During the past three years, Bobi Wine has been arrested multiple times and suffered torture. So have other opposition politicians, including Members of Parliament Betty Nambooze and Francis Zaake and many of their supporters. In some cases, their children have been targeted too.<sup>14</sup> Wine's rallies—and even his musical concerts—were outlawed by Museveni's regime before the Covid-19 pandemic.<sup>15</sup> The regime has cited the pandemic in breaking up his rallies in recent weeks and arresting him without providing him access to counsel.<sup>16</sup> Several analysts, including Human Rights Watch, believe the invocation of Covid-19 for these actions to be a mere pretext.<sup>17</sup>

The \$300 million additional funding for classified expenditures for the security forces was contained in an April 2020 supplementary budget request for parliamentary approval. The Ministry of Finance, Economic Planning, and Development claimed it was necessary for addressing the consequences of COVID-19.<sup>18</sup> However, the request allocates nearly 40 times more money to classified security items<sup>19</sup> than to the health sector for the Covid-19 response, which will receive a mere 104 billion Uganda Shillings (Ugsh)/\$28 million. It's worth noting that

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<sup>13</sup> Helen Epstein, *Another Fine Mess: America, Uganda and the War on Terror*, *supra* note 11. Chapters 11-17 describe the conduct of Uganda's elections in 2001, 2006, 2011 and 2016.

<sup>14</sup> See Bobi Wine's speech after the nomination that got him arrested, available at <https://www.youtube.com/watch?v=WWnenYPtYHg>; see also <https://www.aljazeera.com/news/2020/11/3/bobi-wine-uganda-presidential-poll-candidate-arrested-party>. Opposition MP Betty Nambooze's 15 year old son was teargassed in his home by soldiers on October 15, 2020. A former basketball player, he now suffers from severe lung damage that may be permanent. See <https://pearltimes.co.ug/mp-nambooze-narrates-how-teargas-almost-killed-her-son-granddaughter-on-nomination-day/>; see also "Chairman Nyanzi's Children Which Were Arrested by Uganda Police Speaks Out," available at <https://www.youtube.com/watch?v=G7FCsWsPcuU>.

<sup>15</sup> U.S. Dep't of State, 2018 Country Reports on Human Rights Practices: Uganda, at §2(B) (noting the arrest of Bobi Wine for leading an opposition protest on which regime forces fired teargas and live bullets to disperse) and §1(E) (Ugandan police prevented Wine from holding meetings and displays of support upon his return from medical treatment abroad for injuries received at the hands of government forces), available at <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/uganda/>; U.S. Dep't of State, 2019 Country Reports on Human Rights Practices: Uganda, at §1(E) (describing Wine's arrest in April 2019 for participation in a 2018 rally and his subsequent release on bail "upon condition that he not participate in 'unlawful assemblies'"), available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/uganda/>.

<sup>16</sup> Mr. Wine's rallies have already been disrupted twice in November alone. See <https://www.nytimes.com/2020/11/19/world/africa/uganda-bobi-wine-arrest.html>; <https://nilepost.co.ug/2020/11/11/kitgum-rdc-blocks-bobi-wine-from-campaigning-in-his-district/>; see also <https://www.theguardian.com/global-development/2020/jan/06/ugandan-police-arrest-bobi-wine-fire-teargas-break-up-rally> (firing of teargas at a rally in January, before the pandemic had reached Uganda). The offices of Wine's political party, the National Unity Platform, have also been raided. See <https://www.aljazeera.com/news/2020/10/14/uganda-police-raid-bobi-wines-campaign-headquarters>.

<sup>17</sup> See <https://www.hrw.org/news/2020/11/20/uganda-authorities-weaponize-covid-19-repression>; see also <https://www.washingtonpost.com/politics/2020/07/31/autocratic-governments-are-using-covid-19-pretext-clamp-down-opponents/> (noting a marked increase in government repression events after Uganda imposed coronavirus regulations); <https://www.economist.com/middle-east-and-africa/2020/11/07/bobi-wine-the-pop-star-who-would-be-president-of-uganda> (suggesting that the invocation of Covid-19 to break up rallies is analogous to a "spurious pretext").

<sup>18</sup> See *supra* note 2, Uganda Parliament, A Minority Report on Supplementary Expenditure Schedule no. 2 Addendum 1 and 2 for FY 2019/20. April 2020.

<sup>19</sup> See *id.*

39 of Uganda's 134 districts have no hospital, and there are only 55 ICUs and 411 working ambulances in the entire country of some 43 million people.<sup>20</sup> A recent investigation of the nation's largest hospital found that it lacked adequate supplies of oxygen, PPE, and other supplies even to handle Uganda's relatively low COVID caseload (only about 200 recorded deaths so far).<sup>21</sup>

Parliament passed the supplementary budget over the objections of some budget committee members. This does not signal popular approval, however. As noted above, the regime routinely bribes and tortures MPs. In August 2018, for example, Bobi Wine was arrested and beaten for days, along with four other MPs and dozens of their supporters, some of whom, including Wine, emerged from detention on crutches. In 2017, Museveni's Special Forces shattered the spine of opposition MP Betty Nambooze, within the Parliament building itself, in order to end her attempt to block by filibuster a bill enabling Museveni to rule for life.<sup>22</sup>

Since Uganda's last election in 2016, the budget for classified expenditures has increased from 441 billion Ugs/\$119 million to 3.6 trillion Ugs/\$1 billion, a nearly 500% increase in just four years.<sup>23</sup> Meanwhile, Covid-19 has been devastating for Uganda's poor. Although the number of deaths attributable to the virus is thus far small, economic growth is expected to slow by half in FY2019/20, and the slide is likely to continue next year.<sup>24</sup> While an accurate poverty count has not been carried out, anecdotal accounts of hunger, destitution, and suicide are widespread. However, the government is making things worse, not better. When opposition Member of Parliament Francis Zaake attempted to distribute food relief to his hungry constituents, he was arrested and tortured for three days. Twenty-nine years old and previously healthy, he now walks with a cane.<sup>25</sup>

On November 11, Uganda's Accountant General announced the suspension of funds for all activities other than salaries, loan repayments, security, Statehouse, and the Electoral

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<sup>20</sup> *See id.*

<sup>21</sup> *See* Daniel K. Kalinaki, Investigation: How Lack of Oxygen, Poor Health Sector Is Killing COVID-19 Patients in Uganda, Daily Monitor, Nov. 30, 2020, available at <https://www.monitor.co.ug/uganda/news/national/investigation-how-lack-of-oxygen-poor-health-sector-is-killing-covid-19-patients-in-uganda-3213300>.

<sup>22</sup> *See supra* note 8; *see also* Letter from the New York City Bar Association to Uganda Human Rights Commission re: Betty Nambooze, July 16, 2018, available at <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/letter-to-uganda-human-rights-commission-re-betty-nambooze>.

<sup>23</sup> *See supra* note 2, Parliament of Uganda. A Minority Report on Supplementary Expenditure Schedule no. 2 Addendum 1 and 2 for FY 2019/20. April 2020.

<sup>24</sup> *See* Moses Owori, Socioeconomic impact of COVID-19 in Uganda: how has the government allocated public expenditure for FY2020-21?, Development Initiatives, Aug. 12, 2020, available at <https://devinit.org/resources/socioeconomic-impact-of-covid-19-in-uganda/#:~:text=A%20likely%20increase%20in%20poverty,after%20the%20Covid%2D19%20pandemic>.

<sup>25</sup> J. Lester Feder, "He Was Distributing Coronavirus Aid. The Police Detained And Tortured Him." BuzzFeed News, May 8, 2020, available at <https://www.buzzfeednews.com/article/lesterfeder/uganda-francis-zaake-coronavirus>.

Commission. This means there will be no money for medicine, fuel for ambulances, or other necessary expenses for health and other sectors.<sup>26</sup>

Last spring, USAID donated roughly \$10 million to the NGO GiveDirectly to send cash transfers to needy Ugandans, but the government shut the program down, claiming, without evidence, that the group was working with the opposition.<sup>27</sup> The reason for GiveDirectly's suspension appears to be due to a desire, on the part of the regime, to control all relief funds and thus ensure that opposition voices, especially among the poor, are held to ransom and silenced.

There is a strong likelihood that the World Bank's new \$300 million loan to Uganda will be diverted to what is effectively President Museveni's slush fund. To the extent that the World Bank is not already investigating or otherwise addressing the likely misuse of these funds, such inaction calls into question the sufficiency of the measures it has undertaken to improve transparency and safeguard human rights. Not only are these funds possibly being used for regime-sponsored election violence, they may also be used for another incursion into neighboring Congo where Museveni's family has interests in the smuggling of gold and other natural resources.<sup>28</sup>

In 2017, the House Committee on Financial Services heard testimony concerning numerous cases of corruption in World Bank lending, including the diversion of millions of dollars intended for environmental programs in Kenya to ruling party political campaigns and the forced displacement of millions of impoverished people in Asia, Africa and Latin America by World Bank projects.<sup>29</sup> Thus, the possibility that World Bank funds may be misused is a known risk. In light of evidence pointing to the possible or likely abuse of the World Bank's loan program by the Ugandan government, we are gravely concerned that the World Bank may not be taking the steps necessary to ensure that its loans are not being used to finance the torture and killing of innocent people in that country.

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<sup>26</sup> Internal Memo from the Accountant General to the Treasury cc'd to the Ministry of Finance, Planning and Economic Development. November 11, 2020. (Document on file with the New York City Bar Association.)

<sup>27</sup> See Sarah Jerving, "In Uganda, a government suspension results in a \$10M loss for GiveDirectly," Devex, Nov. 5, 2020, available at <https://www.devex.com/news/in-uganda-a-government-suspension-results-in-a-10m-loss-for-givedirectly-98478>.

<sup>28</sup> See <https://taz.de/Illegaler-Goldhandel-in-der-Coronakrise/!5702622/>.

<sup>29</sup> See <https://www.govinfo.gov/content/pkg/CHRG-115hhrg27249/pdf/CHRG-115hhrg27249.pdf>.

We recognize and admire your long, active expertise in East Africa and your commitment to good governance and the rule of law worldwide. We thus thank you in advance for appreciating the seriousness of the need to assist Ugandans in confronting the COVID-19 pandemic without enabling the Museveni government to use these funds to sponsor election violence and continue its human rights violations in Uganda.

Respectfully,

Alexander Papachristou, Executive Director  
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