

■問い合わせ：ウガンダ：ウガンダ人民防衛軍（UPDF）において、神の抵抗軍（LRA）／神の抵抗運動（LRM）への装備横流しの嫌疑でスパイ嫌疑をかけられた者および脱走兵の取扱いに関する情報（諸外国での似たような事例を含む）

■回答：

ウガンダの「ウガンダ人民防衛軍（UPDF）兵士のヨーロッパやアメリカでの難民申請の情報；UPDF 内部での暴力や迫害などの情報；所属部隊が反政府組織 RNA（神の抵抗軍）にウガンダ軍の装備を横流ししているのではという疑いをかけられ、軍内の上官からのスパイ嫌疑をかけられた事例の情報」に関する調査依頼に対し、難民研究フォーラムが規定の時間的制約の中で調査したところ、関連しうる情報として以下の情報が見つかりました。（※希望回答日が規定の納期より短かったため、翻訳は対応できていません。）

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1. ウガンダ人民防衛軍（UPDF）について

ア 米国国務省「[人権状況報告 2018年 - ウガンダ](#)」（2019年3月13日）

…UPDF は国防省（Ministry of Defense）の管轄下に置かれ、対外安全保障を担当し、暴動又は他の平和撓乱の事態が発生した場合に民事当局を支援することもできる。軍事諜報局長（Chieftaincy of Military Intelligence）は、法律上は UPDF の権限の下に置かれ、反乱又はテロ活動の疑いのある民間人を拘束することができる。他の法執行機関の例として特に、テロ対策局（Directorate of Counter Terrorism）、合同諜報委員会（Joint Intelligence Committee）、特殊部隊（Special Forces Brigade）が挙げられる。

イ ●CIA「[ワールドファクトブック - ウガンダ](#)」（2020年12月21日閲覧）

Military and security forces:

Uganda People's Defense Force (UPDF): Land Forces, Air Forces, Marine Forces, Special Operations Command, Reserve Force (2019)

…

Military and security service personnel strengths:

size estimates for the Uganda People's Defense Force (UPDF) vary; approximately 50,000

troops, including about 1,000 air and marine personnel (2019 est.)

...

Military service age and obligation:

18-25 years of age for voluntary military duty (must be single, no children); 9-year service obligation (2019)

ウ ●ACCORD [「ウガンダに関するクエリー回答 \[a-5738-3 \(ACC-UGA-5740\)\]」](#)
ecoi (2007年12月4日)

(Google 翻訳 (原文ドイツ語))

The Ugandan branch of the consulting firm Exquisite Solution publishes the presentation of Major Felix Kuraigye, spokesman for the UPDF entitled "Working with the Forces; Graduate Opportunities that Exist within the UPDF".

The process of recruiting and the basic training of the recruits is described here. After several months of basic military training, the recruits would attain the rank of private:

“General Recruitment / Basic Training

The lowest level of recruitment is called the general recruitment. Recruits undergo a course known as basic military training which usually lasts 09 (nine) months.

The graduates of this course are passed out at the rank of Private (Pte). These serve as soldiers in various command and staff responsibilities. The minimum education qualification here is 'O' level. Recruits must be Ugandans, between the age of 18 and 26, must be of good character-recommended by local authorities and must undergo physical and medical examination. " (Kuraigye, June 2, 2007, p.3)

エ ●RRTA [「クエリー回答 \[UGA33919 \]」](#) ecoi (2008年10月30日)

1. Please provide information on the Uganda Peoples Defence Force (Ugandan Army)/Intelligence Agencies and a branch of the Army called Chieftaincy Military Intelligence, especially its history, structure, key officers.

The Uganda Peoples Defence Force UPDF is headed by General Y Museveni and the Commander of the Defence Force is General Aronda Nyakairima; the Deputy Chief of the Defence Forces is Lt General Ivan Koreta and the Joint Chief of staff Brigadier Robert Rusoke. (About the Uganda Peoples Defence Force' undated, The Republic of Uganda Ministry of Defence Official Website,

http://www.defenceuganda.mil.ug/about_updf.php?status=true- Accessed 27 October 2008 – Attachment 1)

...

オ ●IRBC [「クエリー回答 \[UGA36955.\] : 1999年11月30日付け UGA33231の更新 兵役は強制か否か」](#) eoi (2001年6月6日)

In addition to information found in UGA33231.E of 30 November 1999, the Immigration and Nationality Directorate states that although there is no military conscription in Uganda, "there have been several reports from concerned parents of forced recruitment" (Oct. 2000).
Forced recruitment is allegedly done both by government forces and rebel forces (GINIE n.d.; HRW Apr. 1999; DPA 4 Sept. 1999; UN 29 July 1999)....

カ ●CIPU レポート (2003年3月) ([\[2004\] UKIAT 339](#) で引用)

5.79 In an effort to tackle corruption and inefficiency in the army the Government raised the pay of soldiers by 5% - to discourage pilfering. The UPDF established a special pay unit to curb fraud and corrupt practices, and will be in charge of procurement of goods and supplies. President Museveni estimated that US \$4.8 million was lost annually through fraud in salaries and food supplies by one division alone.

2. 備品等を横領した兵士または脱走兵の取扱い

ア ●〔法律〕[「ウガンダ人民防衛軍法」](#) (2005年)

Desertion And Absence Without Leave

- (1) A person subject to military law, who deserts the Defence Forces, commits an offence and its, on conviction –
 - (a) if the desertion endangers life or leads to loss of life;
 - (b) if he or she deserts with arms or ammunition or other war materials; or
 - (c) if he or she deserts and joins the enemy,liable to suffer death or, in any other case, liable to life imprisonment.
- (2) For the purposes of this section, a person deserts who -
 - (a) being on or having been warned for active service, is absent without authority with the intention of avoiding that service;
 - (b) deserts from the Defence Forces and joins, reports to or otherwise assists the enemy;
 - (c) having been warned that his or her vessel or aircraft is under sailing or flight orders, is absent without authority, with the intention of missing that vessel or aircraft;
 - (d) absents himself or herself without authority from his or her unit or formation or from the place where his or her duty requires him or her to be, with the intention of not returning to that unit, formation or place;
 - (e) while absent with authority from his or her unit or formation or the place where his or her duty requires him or her to be, with the intention of not returning to that unit, formation or place, does any act or omits to do anything, the natural or probable

consequence of what act or omission is to preclude his or her return to that unit, formation or place at the time required.

- (3) A person who has been absent without authority for a continuous period of twenty-one days or more, shall, for the purposes of this Act, unless the contrary is proved, be presumed to have deserted.

イ ● **ACCORD** [「ウガンダに関するクエリー回答 \[a-5738-3 \(ACC-UGA-5740\)\]」](#)
eicoi (2007年12月4日)

(Google 翻訳 (原文ドイツ語))

On June 28, 2005, The Monitor wrote that the Uganda People's Defense Forces (UPDF) Disciplinary Committee in Kasese had sentenced five soldiers to imprisonment after they were found guilty of theft and desertion. The names of the soldiers affected are Martin Masika, Wilson Masereka, Joseph Kilyopa, Simon Lokomo and Sulaiman Sekisambo. All of them were private of the 69th Battalion in Kasese:

"The Unit Disciplinary Committee of the Uganda People's Defense Forces (UPDF) in Kasese has sentenced five soldiers to custodial sentences after they were convicted of theft and desertion. They are Martin Masika, Wilson Masereka, Joseph Kilyopa, Simon Lokomo and Sulaiman Sekisambo all at the rank of Private attached to the 69 Battalion in Kasese. The UPDF Second Division spokesman, Lt Chris Magezi, told journalist recently that the soldiers were tried on June 22. He said Masika was sentenced to two years for desertion, Masereka to three years for desertion and theft, Kilyopa to two years for desertion, Lokomo and Sekisambo to two years for absentee without official leave. Magezi said they all pleaded guilty to the charges before they were convicted and sentenced. He said they would be dismissed from the army after serving the sentences. " (The Monitor, June 28, 2005)

On July 23, 2005, The Monitor reported that the military tribunal, chaired by Kaptain Mugenyi, had sentenced nine soldiers to up to seven years in prison for various offenses, including desertion:

"THE Court Martial chaired by Capt. Hudson Mugenyi has sentenced nine soldiers including Lt. John Etobait up to seven years in prison for various offenses including desertion. The court sat on July 13 and on July 20 in Kasese and Mbarara districts respectively. " (The Monitor, July 23, 2005)

On May 2, 2005, The Monitor published the news that 86 recruits from a Local Defense Unit (LDU) ran away with the weapons they had just received after completing a three-month basic military training course:

"Eighty-six Local Defense Unit (LDU) recruits have run off with guns days after being

armed by the army. The trainees were part of 872 LDUs who had just completed a three-month basic military course at Lugore UPDF Infantry training school in Aswa County, north of Gulu town. They had been moved to Yumbe District awaiting official pass out, when they ran away. " (The Monitor, May 2, 2005)

According to The Monitor on January 6, 2005, the Kampala company Access Financial Services (AFS) was prevented from granting loans to soldiers after it was discovered that it had charged interest of up to 54%. According to reports, some soldiers from the army deserted because they were no longer able to pay their loans:

"Recently, a Kampala firm, Access Financial Services (AFS) was stopped by the Army Commander, Lt. Gene. Aronda Nyakairima from giving loans to soldiers after it was discovered the company was charging them up to 54% interest rate, 30% well above the common commercial interests. Some soldiers reportedly deserted the force after failing to pay the loans. " (The Monitor, January 6, 2005)

On November 1, 2004, The Monitor reported that some UPDF soldiers had been arrested for neglecting their duties. According to an army spokesman for the Northern Region, most of the soldiers arrested had left their official posts and spent time with women in the city. The army spokesman did not mention the number of soldiers arrested, but noted that there were many:

"A number of UPDF soldiers have been rounded up for neglecting their duty, the northern region Army Spokesman, Lt. Paddy Ankunda said recently. "Most of the arrested soldiers were reported to have deserted their official work stations and shifted to stay with women around town," he said.

Ankunda declined to disclose the number of the arrested soldiers, but simply said they were many. He said such operations were mostly for idle soldiers. " (The Monitor, November 1, 2004, see: New Vision, October 30, 2004)

On November 12, 2004, The Monitor reported that the UPDF fired more than 30 soldiers after being found guilty of desertion by a military tribunal:

"The UPDF has dismissed more than 30 soldiers after a Field Court Martial found them guilty of desertion. The Mbarara 2nd Division Publicist, 2ndLt. Chris Magezi, told The Monitor recently that the convicts were tried on November 1 in a Court Martial chaired by the Division Operations Officer, Maj. Chris Ogwal, at Mbarara. " (The Monitor, November 12, 2004)

The Ugandan newspaper New Vision also wrote on November 6, 2004 that the military tribunal of the 2nd Division of the UPDF dishonorably dismissed 33 soldiers after they were found guilty of desertion:

"THE UPDF Second Division Court Martial has dismissed 33 soldiers with disgrace after finding them guilty of deserting the forces. The court, sitting at the division's

headquarters at Makenke in Mbarara, heard on Tuesday that the 33 soldiers deserted their units and went into hiding.

Prosecution said some of the convicted soldiers deserted operations against Joseph Kony's Lord's Resistance Army (LRA) in Gulu, Pader and Kitgum districts. They pleaded guilty to the charges. " (New Vision, November 6, 2004)

In an article dated March 24, 2004, New Vision reported that the UPDF had ordered the immediate arrest of all deserters in the Rwenzori region. David Kabangira, the commander of the Rwenzori Mountains Alpine Brigade, said that this measure should help to contain robberies, some of which were related to the deserters:

"THE UPDF has ordered the immediate arrest of all deserters in the Rwenzori region reports John Thawite. The commander of the Rwenzori Mountains Alpine Brigade, Lt Col David Kabangira, was recently speaking after a Kasese district security meeting at Boma Ground. "We have authorized all the Gombolola internal security officers and local leaders to help us implement this," he said. Kabangira said the move was to curb robberies partly linked to the deserters. " (New Vision, March 24, 2004)

...

ウ ●記事 [「UGANDA: New disarmament effort seeks community involvement」](#) **The New Humanitarian** (旧 IRIN ニュース) (2012年8月1日)

The Ugandan government is making a fresh attempt to rid the northern region of illegally held arms, after an ultimatum to surrender such weapons was widely ignored earlier in 2012.

The army is switching to a "village-friendly" approach in its disarmament efforts: it wants to work with the community, raising awareness of the dangers of firearms and encouraging them to hand over weapons of their own volition.

...

The presumed sources of weapons in the region include former members of the rebel Lord's Resistance Army who bypassed disarmament procedures, local militia groups armed by the UPDF, and UPDF deserters.

3. 外国勢力やテロ組織のスパイと疑われた者の取扱い

ア 米国国務省 [「人権状況報告 2018年 - ウガンダ」](#) (2019年3月13日)

On June 13, the UPDF arrested former IGP Kayihura, detained him at Makindye Military Barracks, and said it was questioning him on a matter it could not divulge. Local media reported that the UPDF held Kayihura on suspicion that he spied for a foreign country and that he was involved in the 2017 killing of Assistant IGP Andrew Felix Kaweesi. Through his lawyers, Kayihura said ISO had forged evidence to link him to Kaweesi's killing. The

government permitted UHRC, a government human rights agency, to visit Kayihura. On August 24, the UPDF charged Kayihura with failure to control war materials, and aiding and abetting kidnap from Uganda. The UPDF on August 28 released Kayihura on bail and his trial continued at year's end.

イ 米国国務省「[人権状況報告 2007年 ウガンダ \(仮訳\)](#)」入管庁ウェブ (2008年3月11日)

2005年にUPDF兵士 William Bisogo が拷問に関与し逮捕された事件及びUPDF軍人の John Barigye Bakirahi と Peter Agom がルワンダ政府のためにスパイ行為で起訴され2004年にCMI拘禁中に拷問を受けたと主張している事件については、何も進展がなかった。スパイ事件については係争中である。

4. 本調査依頼内容に関係しうる難民事件の例

UPDF兵士に関係する諸外国の難民事件について、refworld、AusLII、NZLII、CanLII、UK Tribunal decisions データベースを使って調査したところ、以下の情報が見つかりました。

(1) 脱走兵

ア [カナダ連邦裁判所 2002年4月2日判決 \[Ssemakula v. Canada \(Minister of Citizenship and Immigration\), 2002 FCT 366 \(CanLII\), <<http://canlii.ca/t/103>>, retrieved on 2020-12-28\]](#)

戦闘への参加が良心に反するとしてUPDFの軍務中に脱走した元プロサッカー選手について、証拠の大部分についてあからさまに信用できないとし、難民該当性を認めなかった行政段階の判断に誤りはないとした事例。

(2) LRA/LRMへの協力を疑われる者

ア [カナダ連邦裁判所 2006年2月10日判決](#)

<https://www.canlii.org/en/ca/fct/doc/2006/2006fc178/2006fc178.html>

LRAでの人道に対する犯罪への関与を理由に、家族再統合によるカナダへの入国を認めなかった原審の判断を維持した事例。

イ [RSAA 2005年12月2日決定 \[74301 \[2005\] NZRSA 352\]](#)

兄がLRAへの情報提供を理由に殺害された等と主張する北部ウガンダ出身のアコリ族男性について、証拠の大部分について信用できないとし、難民該当性を認めなかった原審の判断に誤りはないとした事例。

参照：

出入国管理在留庁「米国国務省 人権状況報告 2007年 ウガンダ (仮訳)」(2008年3月11日)、online：<http://www.moj.go.jp/isa/content/930002604.pdf>

米国国務省「人権状況報告 2018年 - ウガンダ」(2019年3月13日)、online：<https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/uganda/>

CIA「ワールドファクトブック - ウガンダ」(2020年12月21日閲覧)、online：<https://www.cia.gov/library/publications/resources/the-world-factbook/geos/ug.html>

ecoi.net

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Uganda Law Reform Commission「ウガンダ人民防衛軍法」(2005年)、online：https://www.ulrc.go.ug/system/files_force/ulrc_resources/u.p.d.f-act-2005.pdf?download=1

Australia Legal Information Institute (AusLII)、online：<https://www.canlii.org/en/>

Canada Legal Information Institute (CanLII)、online：<https://www.canlii.org/en/>

New Zealand Legal Information Institute (NZLII)、online：<https://www.canlii.org/en/>

Refworld、online：<https://www.refworld.org/>

UK Gov Tribunal decisions、online：<https://tribunalsdecisions.service.gov.uk/utiac>

略称：

ACCORD	オーストリア出身国・庇護研究ドキュメンテーションセンター
CIA	米国中央情報局
IRBC	カナダ移民難民局
RRTA	オーストラリア難民再審査審判所
RSAA	ニュージーランド難民地位不服申立機関
UKIAT	イギリス移民難民審判所