

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
SPRINGFIELD DIVISION**

SEXUAL MINORITIES UGANDA,

Plaintiff,

CIVIL ACTION

v.

NO. 3:12-CV-30051-MAP

SCOTT LIVELY, individually and as
President of Abiding Truth Ministries,

JUDGE MICHAEL A. PONSOR

Defendant.

DECLARATION OF FRANK MUGISHA

I, Frank Mugisha, hereby declare as follows:

1. I am a resident of Uganda and an activist for lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights.
2. Since 2008, I have served as the Executive Director of Sexual Minorities Uganda (SMUG). I have been working with SMUG since August 2007.
3. In 2008, in the wake of backlash against a campaign we launched in 2007 entitled “Let Us Live in Peace” including media outings of LGBTI Ugandans, including myself, and increased calls for harsher anti-gay laws by government actors, I fled Uganda for about two months to ensure my safety.
4. After my colleague Pepe Onziema’s arrest in 2008 at the HIV/AIDS conference, the rest of the SMUG staff conducted their work in hotels and at member organizations for some time to ensure their safety, and the number of people attending SMUG gatherings dropped for a while. As a result, SMUG’s operations and ability to fulfill its mission suffered.

5. I am familiar with Martin Ssempe. In the days following the Ugandan High Court's issuing its ruling in Victor Mukasa's case against the Ugandan government, I recall seeing Ssempe appear on national television. During those appearances, I recall him claiming that "we" would appeal the ruling, that the judge in Mukasa's case had been bribed, and that Uganda should not accept homosexuals.

6. I am familiar with David Bahati. The photo annexed hereto as Exhibit A is a fair and accurate depiction of Bahati.

7. In November 2012, SMUG took steps to be registered as an entity under Ugandan law. The bureau delayed responding to SMUG's registration request until 2015.

8. In February 2015, the Uganda Registration Service Bureau officially denied SMUG's 2012 application to register as an organization. The Bureau's denial was previously produced as SMUG024933, and a true and correct copy is annexed hereto as Exhibit B. SMUG later filed suit challenging the denial; the case is pending.

9. On February 25, 2014, the day after the AHA was signed into law, the Red Pepper continued its media outings with the headline EXPOSED! Uganda's 200 Top Homos Named. I, along with other SMUG staff members and staff of SMUG's member organizations, were identified in this issue. In the wake of the enactment of the AHA and following this publication, I was forced to leave home and stay in hotels for a while to ensure my security.

10. I have continued to take precautionary measures to ensure my safety in recent years. I have been forced to move to live in different places at times, and have hired a security guard to accompany me to events where I may face a security risk.

11. On the evening of August 4, 2016, I and my colleague, SMUG Program Director Pepe Onziema, and several other members and supporters of the LGBTI community were

arrested when Ugandan police raided an LGBTI event taking place at a night club in Kampala. The event was part of a series of LGBTI Pride events being held that week.

12. Upon being alerted by attendees that a number of police officers had entered the venue, I approached a police officer and inquired why they were present. The police claimed that there were gay weddings occurring, and I was told to stop the event. An officer asked me whether I was an event leader. When I responded that I was, I was placed in handcuffs, along with another attendee. I was then forcefully escorted out of the venue and brought to a police vehicle. The police assaulted us, and forced us to the ground and pushed us underneath a police van. Before I was removed from the event I saw police beating others at the venue, targeting transgender attendees.

13. About twenty attendees and I were then taken to the local police station. There we were verbally accosted and mocked by both officers and prisoners. We were repeatedly told that we are abnormal, and that we do not belong in the world. We were threatened repeatedly with physical violence.

14. I witnessed several people being beaten by police officers, and prisoners physically and emotionally abusing people, including Onziema.

15. I and other arrestees were then escorted to the jail, where we were ordered to surrender our belongings. We were then ordered to sit on the ground and were told that each of us would soon be inspected to ascertain our sexes. While I was in a cell with other prisoners, they forced me to remove my clothing and bathe.

16. At one point, I could see and hear people being taken to a part of the corridor and undergoing physical inspection by the police officers, in which they would touch the individual's genitals and verbally confirm their sex.

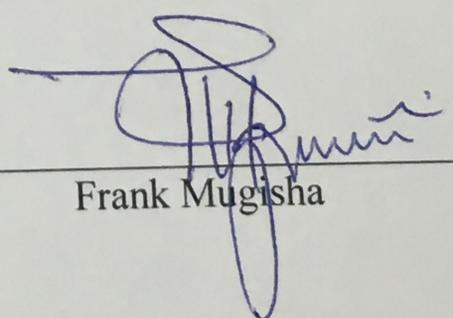
17. Before I was approached for inspection, someone came and said we had been ordered released.

18. Representatives of our organization, including our legal officer, met with Minister of Ethics and Integrity Simon Lokodo the following day at the police station. In that meeting, Lokodo expressed that he planned to have me and my colleagues re-arrested. He threatened that if other Pride events were carried out, he would enlist the police force and civilians to shut it down. Lokodo described us as terrorists. Afterward, I spoke with police and they informed us that they were operating under Lokodo's authority, and that they would arrest us if instructed to do so.

19. These events caused extreme humiliation, trauma, and injury. We decided to cancel our planned Pride parade for fear of further raid, arrest, and assault of ourselves and members of the community.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Kampala, Uganda on this 8th day of August, 2016.



Frank Mugisha