



NATIONAL
COALITION OF
HUMAN
RIGHTS
DEFENDERS
UGANDA

REPORTING ON HUMAN RIGHTS VIOLATIONS METED UPON ENVIRONMENTAL DEFENDERS IN UGANDA (2021-2023)

REPORT DATE - FEBRUARY 2024



Abbreviations

AFIEGO	African Institute for Energy Governance
CIDO	Community Initiatives for Development Organization
CSOs	Civil Society Organizations
EACOP	East African Crude Oil Pipeline project
ED	Executive Director
EHRDs	Environmental Human Rights Defenders
EITI	Extractive Industries Transparency Initiative
ERI	Earth and Rights Initiative
HRDs	Human Rights Defenders
HURINET-U	Human Rights Network for Uganda
MOU	Memorandum of Understanding
NAVODA	Navigators of Development Organization
NEMA	national Environmental Management Authority
NGO	Non-Governmental Organizations
URSB	Uganda Registration Services Bureau

Introduction

The desire to conserve, protect and promote the environment in Uganda has given rise to passionate and committed Environmental Human Rights Defenders who demand for sustainable development models that guarantee environmental protection. This has however put them at great risk. This report documents and highlights specific human rights violations meted upon EHRDs in Uganda.

Environmental Human Rights Defenders (EHRDs) play a vital role in protecting the environment and the rights of communities affected by environmental degradation and pollution. However, EHRDs in Uganda face a range of challenges, including preventive and arbitrary arrests, beatings and torture, gender-specific attacks targeted at Women Environmental Human Rights Defenders (WHRDs), isolation and exclusion from meetings and events. EHRDs have also experienced organizational governance difficulties such as being denied NGO operational permits and operating licenses because of highly restrictive bureaucracies set up to frustrate their work.



A section of Kampala Masaka road cut off by water as a result of climate change

EHRDs have witnessed office break-ins, closure of CSOs, physical and verbal threats, harassment, and intimidation, to mention but a few. These violate several laws and rights enshrined in the 1995 National Constitution of the Republic of Uganda, including the right to freedom of assembly, the right to a fair trial, the right to freedom from torture and cruel, inhuman or degrading treatment, the right to freedom from discrimination, the right to freedom of expression, the right to participate in government, the right of access to information, and the right to freedom of association.

This report draws on a variety of sources, including interviews with EHRDs and several reports by human rights organizations like Human Rights Watch, Uganda Human Rights Commission, etc. It also identifies government legislation and policies that restrict the work of EHRDs and CSOs.

Preventive and arbitrary arrests and detentions

Over the recent past, several EHRDs faced preventive and arbitrary arrests by government security agencies such as Uganda Police Force to deter them from organizing meetings, advocacy campaigns and demonstrations against the destruction of natural resources. In 2021, Maxwell Atuhura, a frontline EHRD working with AFIEGO in Buliisa district was arrested at Adonia Hotel while meeting a journalist and charged with unlawful assembly. Joshua Mutale and Venex Watabawa, journalists from the Water and Environment Media Network (WEMNET) were arrested in Hoima district as they were heading to a radio talk show at Spice FM to discuss the dangers of sugarcane growing in the region that has led to the massive destruction of Bugoma forest. Seven (7) fellow EHRDs Samuel Kayiwa, Vincent Sekitto, Ismail Kashokwa, John Kibego, Joseph Mujuni, Moses Mukiibi and Sandra Atusiguza went to Hoima police station to negotiate their release and they were detained to prevent them from attending a planned protest/demonstration. The seven were later released after a few hours in custody without any charges pressed against them while Venex and Joshua were released after two days in custody¹



A section of charcoal burning in Lira district

Abduction and Disappearances

Numerous cases of abductions by unknown assailants and disappearances of EHRDs have been reported, as a result of their work in protecting and preserving the natural resources. In September 2023, Mr. Ouke Benard, the Forest Officer of Kalaki District

Local Government was picked up from his home by unknown assailants and dumped in Zombo district. This was associated to his effort to enforce the presidential directive banning charcoal burning in the country. Such incidents leave many of the EHRDs in fear which makes them step back from the work of defending the environment. Many EHRDs in Karamoja sub region have run away from their homes for fear of being abducted as a result of their natural resources and environmental advocacy works.

Threats and Intimidation

EHRDs across Uganda have reported risks of physical intimidations, harassment, and threats which endanger their personal safety and security. This included physical and verbal threats to the EHRDs, their friends and relatives. Perpetrators included state security forces, private security personnel, or individuals associated with powerful interests in the extractive industries and other natural resources such as forests. These threats are mostly championed by plain clothed individuals some with state security attachments. In May and August 2023, a plain clothed man visited the NAVODA offices in Hoima, in the Albertine Graben and did not introduce

himself. He signed the Visitor's book stating that the organization was "Non complaint" to the NGO Act 2016 and would be closed down.

Similarly, Earth and Rights Initiative (ERI) in Wakiso district working on nature rights, received an unknown woman at their new office premises. She demanded to know what they worked on and claimed that she was waiting for an "order from above". It was not the first time staff of ERI were confronted by such threats. Earlier in 2020, Hussein Kato Muyinda, the ED of ERI, while on a fact-finding mission to Bugoma Forest with other members of the "Save Bugoma Forest Campaign", was threatened with arrest by plain clothed security agents who tracked them into the forest.

EHRDs who advocate for wetlands face threats and intimidation from both



A section of the degraded Bugoma forest

the local communities in which they operate and state actors. Staff of CIDO in Kalaki district, have been threatened by

community members on several occasions, had their office space padlocks smeared with unknown substances and even received death threats because of advocating against the destruction of wetlands like Awaliwal swamps, Asingei and so on. Alilim Cate, the Natural Resource Officer, Kalaki District Local Government affirms these threats since she too was threatened with death if she ever dared to stop the community from cutting trees for charcoal burning, opening of wet lands for paddy rice growing, demarcation of the wetlands, etc. despite the presidential directives banning these activities.

“We have been receiving unknown calls threatening us to leave the issues of Lwera,” says Muyingo Henry Paul, Coordinator of Uganda Eyenkyia, an organization working in the greater Masaka region.

These intimidations and threats made the EHRDs insecure and demoralized their efforts to preserve the environment. They effectively succeeded in silencing some EHRDs who ceased speaking up against different violations by perpetrators and dropped the environmental campaigns they were running such as the Save Bugoma Campaign.

Beatings and Torture

Uganda ratified the UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment in 1986. She is also party to a number of other regional and international treaties that outlaw torture and other forms of ill-treatment; however, reports of torture in Uganda continue. EHRDs have been beaten and tortured during peaceful protests and demonstrations against destructive activities on the environment. Reports by NGOs indicate a widespread use of torture especially in ‘safe houses’, the name given to unauthorized places of detention. Detainees commonly report severe beatings during interrogations as well as the use of psychological torture including threats, display of previously tortured individuals showing visible marks to instill fear and/



Figure 1A section of Kampala flooding during the rain

or compliance. Torture methods reportedly used in Uganda include: kandoya (tying hands and the feet behind the victim); suspension from the ceiling while tied up; water torture/"Liverpool" (forcing the victim to lie face up, mouth open while the tap is turned on to run water into the mouth); severe beatings with metal rods, pistols, fists, sticks with nails; death threats including putting the nozzle of the pistol into the victim's mouth, showing victims fresh graves, dead bodies or snakes; putting the victim in the back of the vehicle where his captors sit and step on him with their heavy boots; abusive language and threats; and kicking all parts of the body; gang rape of female victims; mutilating genitalia of male suspects through kicking, use of pliers, puncturing with hypodermic needles and tying the penis with wire or weights; forcing the victim to stand in red ants etc.

A range of security organs have reportedly been responsible for torture in Uganda. Though Ugandan law bestows responsibility for law enforcement on the police, there is a proliferation of bodies, often operating as plain clothes officers, which have arrested, detained and tortured suspects. In rural areas, police officers and local administrators are the main culprits of reported torture cases.

In May 2022, Comfort Aganyira, AFIEGO field officer in Hoima was beaten by unknown men in plain clothes who confiscated her phone and told her that AFIEGO shouldn't be operating because it was closed by the NGO Bureau. Furthermore, in July 2023, security officials embarrassed her by ejecting her from a meeting organized by the NGO Bureau in partnership with the Human Rights Centre Uganda in Hoima city

Gender-Specific Attacks

Female EHRDs working on land and extractives industries reported experiences and exposure to the same or more risks and types of violence than other Human Rights Defenders. Female EHRD face worse human rights violations such as threats of sexual assault, rape, harassment and killings in part due to their actions challenging existing gender norms within their respective communities and societies. Gender-based



EHRDs watching brief of Desire and Byamukama's bail hearing

violence in form of domestic, psychological, cyber, political and community-based violence is used to suppress female environmental human rights defenders' power and authority, undermine their credibility, dismantle their status within the community and discourage them and others from coming forward.

A culture of impunity dominates the verbal attacks and violence women environmental human rights defenders face, which emboldens the efforts of those who wish to silence them. Common patterns follow attacks on their marriages, career, reputations and integrity with slander, smear campaigns, questions over their morality, sexuality, body shape, age, gender, reproductive or marital status. Female EHRDs are accused of promoting 'western values' which breed hateful narratives in the communities they serve. This is greatly perceived to facilitate marriage break-ups therefore framed as anti-social establishment with negative stereotypes. In many instances, women EHRDs face social stigma and backlash which spills over to their families, friends and relatives. They are often accused of neglecting their domestic duties and endangering their families. A significant number of female environmental human rights defenders reported being labeled non-submissive, prostitutes, 'home breakers', 'bad mothers. This is partly so because female EHRDs are perceived to wage war on culture by defying cultural norms through challenging their socialized submissive roles, social expectations and by assuming the traditional masculine behaviour of speaking out and refusing to be silenced.

Asinde Regina, a WEHRD working with LERWA-Land and Environmental Rights Watch Africa, in Tororo district, reported numerous instances where she, 'a mere woman' was told to 'go slow' on advocating for women's land rights within the district. She was called a 'disrespectful' woman who didn't know her place in society. Many duty bearers used her HRD work especially on land and labeled it a social movement against stable families.

Exclusion of Vocal EHRDs and Perceived Detractors during Governance Meetings and Events

- In 2021, environmental rights defender Doreen Atim was denied entry to a meeting of the Ugandan Government's Ministry of Water and Environment.
- In 2022, land rights defender Sylvia Nabadda was excluded from a meeting of the Local Government Council of her district.
- In 2023, a group of EHRDs were denied entry to a public meeting about the proposed development of a new national park.

Office Break-ins

- In 2022, the offices of the Human Rights Network for Uganda (HURINET-U) were broken into and a number of laptops and documents were stolen.
- In 2022, the Uganda government closed the offices of the Africa Institute for Energy Governance (AFIEGO) for allegedly violating the NGO Act.
- On 15th May 2023, the offices of Hoima District Forum of PHA Networks in Hoima city were broken into after receiving threatening calls on 6th March 2023 asking for particular information and threatening to get the information they needed (Sd Ref:14/31/5/2023).

Restrictions on Freedom of Expression and Association

The government of Uganda has continuously imposed restrictions on freedom of speech and freedom of expression, making it difficult for EHRDs to disseminate information about environmental issues and human rights abuses. For instance, all attempts to conduct assemblies by EHRDs under the “Save Bugoma” campaign have been failed by the security in Kikuube and Albertine region.

The increased militarization of the extractives industries in the country has provided for an insecure working environment for EHRDs. This situation has rendered EHRDs working in Karamoja and Albertine Region and human rights on the East African Crude Oil Pipeline extremely vulnerable. The presence of armed forces and private security companies guarding the interests of the numerous powerful actors with economic and political interests that often conflict with those of the local population and communities has nurtured a high level of fear within affected communities and EHRDs, who generally remain silent or are very cautious when speaking about the violence and harassment they may have experienced and the impact they have suffered from the activities of the extractives industries. Furthermore, several EHRDs have been barred from accessing areas of extraction by the Uganda People’s Defense Forces (UPDF).

In September 2023, a team from COFTON was barred from visiting the sand mining areas in Lwera wetlands by the Resident District Commissioner (RDC) of Kalungu. Similarly, a monitoring team comprised of CSOs, government officials and other stakeholders were also denied access to the gold mining areas in Karamoja under Sunbelt Company during a field visit in 2023. These teams were chased away by UPDF who guard the area.

Judicial Harassment

EHRDs are subjected to legal harassment through arbitrary arrests, trumped-up charges, and prolonged legal battles aimed at stifling their activism. Laws restricting freedom of expression and assembly are often used against them.

Mr. Desire Nkurunziza, an environmental and human rights defender of Nyairongo village, Kikuube district, mid-western region of Uganda was arrested for speaking up against the destruction of Bugoma forest². He was taken to a sugar cane plantation by two men and beaten and accused of cutting down sugar cane illegally. He was then arrested by the police and detained for two days on charges of incitement of violence and criminal trespass. Despite fulfilling all the requirements for court bail, his application was denied, and he was remanded to Kiryatete government prison until July 24 2023, when he was released on court bail after paying a cash bail of 300,000 Uganda shillings. He was required to report back to court on August 31st 2023 and November 2, 2023 although no reasons were given for the latter date.

Such incidents underscoring the lack of due process in Uganda's legal system are rife in the country. Many environmental

human rights defenders especially working on land, environment and extractives have had many court battles and trumped-up charges levied against them in the areas of Masaka, Hoima, Kikuube, Karamoja among others. Some of these have had to report to the police and have their police bonds extended without taking them to court and with no evidence.



Desire Nkurunziza and Joseph Byamukama EHRDs in the dock in Hoima

Access to Information

EHRDs have consistently been denied information by the government and corporate entities. This is despite the existence of Article 41 of the Constitution of Uganda 1995 and Section 7 of the Access to Information Act 2008 which guarantees citizens a right to certain information that lies with the state.

In July 2023, Muyingo Henry Paul of Uganda Eyenkya and four other Environmental Community Based Monitors in Kalungu



A section of Kampala flooded along Entebbe Road

district attempted to monitor ZigZhog Rice Growing Company that operates in Lwera Wetlands but they were denied access to the rice paddies by their private security officers and the Uganda Police.

ENVIRONMENT SHIELD applied for ESIA and Environmental audit reports for Bugoma Forest from NEMA and it wasn't granted and ended up in court in 2021. Similarly, on June 6th 2022, ERI filed a lawsuit Miscellaneous Court 482 of 2022 demanding for the EIA reports by NEMA which they had used to halt activities of NYTIL Uganda because of river pollution. ERI had written several letters to NEMA requesting for the EIA report without any success which prompted them to go to court for litigation.

Additionally, information such as

production sharing agreements in oil and gas is referred to as classified, which limits the advocacy efforts of EHRDs in line with EITI standards. Such public interest litigation has also dragged on for several years with others taking over 10 years therefore denying the EHRDs access to justice and due information sought through litigation. Despite this limited access to valuable information, EHRDs have also experienced vandalism of their information and information gadgets. For example, Mr. Kibego John an EHRD working under Kazi Njema media lost 3 laptops from his home and office on 3 accounts for publishing concerns relating to poor compensation by government in the petroleum sector, PAPs of EACOP and Bugoma forest degradation.

Restrictive Bureaucracies

Increasingly, CSOs focusing on human rights issues are challenged by restrictive bureaucracies such as difficulties in renewing MOUs with Local Governments at the district and sub county level which permit them to operate in their different areas of operation. Obtaining Permits and Operating Licenses from the NGO Bureau, getting compliance requirements have been made both costly and bureaucratic for HRD.

In June 2023, COTFON applied for an MOU with Kalungu District Local Government with an aim of supporting initiatives and communities to monitor the activities in Lwera wetlands but to date, they haven't been cleared. Similarly, in June 2023, the ED of CIDO in Kalaki was advised to delete the aspect of rights defending in their mandate when they applied for a renewal of their operating certificate with the District Local Government. LERWA-Land and Environmental Rights Watch Africa, an indigenous nonprofit EHRD CSO based in Tororo was denied an MOU by Tororo District Local Government because they are not registered with the NGO Bureau.

Many organizations have struggled with Non-Renewal of MOUs and operating permits by NGO Bureau citing issues of non-compliance despite the efforts of the CSOs to be as compliant as possible. Additionally, the government keeps establishing restrictive policies and regulations aimed at cracking down on CSOs especially engaged in environmental human rights issues. For example, in 2023, all CSOs incorporated by Uganda Registration Services Bureau were required to submit a form listing all beneficiary owners of the company. URSB has also put off many EHRD organizations from its online register. Ms. Asinde Regina, the Executive Director of LWERA-Land and Environmental Rights Watch Africa reports constant freezing of the organization accounts despite submitting all the required documentation time and again, citing more than three (3) times in 2023.



“Each time we receive a new grant disbursement from our partners, our accounts are frozen and we have to resubmit documents like the Form 1 that lists the Beneficial owners, sources of funds, signing mandate of the accounts, Board of Directors, etc. even if they are the same,”

says Ms. Asinde.

In 2022, the NGO Bureau denied renewal of the operating license of the Human Rights Network for Uganda (HURINET-U) for allegedly failing to submit the required paperwork. These bureaucracies demoralize the EHRDs and slow down work since

the EHRDs are forced to push the required paperwork again and again to deal with the bureaucratic tape. Sometimes EHRDs are forced to work underground for fear of what may come next. Many EHRDs have also opted to work as individuals as opposed to working under an organization for fear of organizational restrictive bureaucracies. Also, such restrictions have hindered partnership frameworks due to failure to acquire basic compliance documents like MOUs with Local Governments. It has also killed morale and created isolation among EHRDs as some are perceived hostile for advancing sensitive environmental human rights issues. This is the case of land, oil and gas, and other minerals especially in Karamoja and along the East African Crude Oil Pipeline project of Uganda.

Extrajudicial Surveillance

According to a report by Amnesty International, there have been several documented cases of extrajudicial surveillance against EHRDs in Uganda. The most common surveillance has included the use of spyware to monitor their communications and the deployment of security forces to intimidate and harass them. Ms. Atim Jesca an EHRD from Moroto has reported several incidents of surveillance following her human rights defending work relating to major hospital waste disposal and marble/gold projects in Karamoja. EHRDs have reported acute lack of adequate protection mechanisms and access to justice as well as legal and psychosocial support when they face violations and attacks relating to their work that emanate from extrajudicial surveillance.

EHRDs in Ruhaama, Ntungamo district of western Uganda have been put on surveillance and cautioned to stop following up on Zanak Holdings a private company that has failed to prove that they mine tin with a license. All HRDs who advocated for better working conditions for the employees of this company in the tin mining have either been surveilled or intimidated. Workers of Zanak Holdings continue to work with no protective gears, with no formal contracts and collapse in the mines due to unfavorable conditions; and children are employed in the mines increasing the number of school dropouts in the area. All EHRDs who used to advocate for better means of engagement in the mines and sustainable exploitation have been surveilled and developed apathy.

There are documented cases in Uganda where environmental rights defenders lack adequate protection and access to justice. Human rights defenders, who advocate for the protection of the environment, including forests and wetlands, are often subjected to harassment, intimidation, and arbitrary detention by state actors, including the police and military. In some cases, defenders have been beaten or killed by security forces or individuals affiliated with corporations.

Additionally, the legal system in Uganda has been criticized for failing to provide adequate protection to human rights defenders and for being susceptible to manipulation by those in power. Some major projects have targeted environmental human rights defenders; a case in point is the East African Crude Oil Pipeline project (EACOP). This project is one of the largest fossil fuel infrastructure projects currently under development globally. Environmental defenders in Uganda have heavily criticized the project because of the risks it poses to the environment, local communities, and its contribution to climate change. Anti-EACOP and climate HRDs in Uganda have criticized the Ugandan government for approving the project, as well as Ugandan and international companies potentially involved in its finance, insurance, construction, or operation. Human rights defenders including civil society organizations raising concerns and providing support to affected communities about the oil projects report being subjected to a steady barrage of harassment, arrests, and threats in Uganda.

At least 30 protesters and human rights defenders, many of them students, have been arrested in Kampala and other parts of Uganda since 2021, reports the Human Rights Watch in its most recent report. Many interviewees told Human Rights Watch that police detained them for several days in police stations or unknown places before releasing them without charge. There are several cases against protesters before the courts on the spurious charge of “common nuisance” under the Penal Code³. “This crackdown has created a chilling environment that stifles free expression about one of the most controversial fossil fuel projects in the world,” said Felix Horne, a senior environment researcher at Human Rights Watch.

Since 2012, there have been reports of violent clashes between HRDs advocating for justice, local communities and security forces over land disputes in the Apaa community in Amuru district. Communities were protesting against the allocation of their ancestral land to an agribusiness company for large-scale farming and forced evictions by Uganda Wildlife Authority. Human rights defenders who support the community’s cause have faced threats, harassment, and arbitrary arrests.



A destroyed section of Bugoma forest

Defamation and Smear Campaigns

EHRDs are frequently subjected to defamation campaigns that aim to tarnish their reputations and credibility. State duty bearers have framed EHRDs as anti-development, anti-Africa and agents of imperialism. EHRDs have been labeled by duty bearers and security as actors working against Ugandan and community interests. These accusations demean them and kill their passion to fight for sustainable development and a resilient climate. For example, GRA and NAVODA have experienced these public insults and demeaning statements from duty bearers. In 2021 the RDC of Kikuube district mentioned in one of the meetings that the two organizations were giving false information to EACOP PAPs and failing the oil and gas sector for Uganda. He branded them as “a force against Bunyoro, Uganda and progress”. He told the communities not to trust or listen to them because they were sharing false information. This discredited the organization in the communities they serve hence hindering their awareness efforts.

Outstanding Challenges Faced by EHRDs

1. Lack of personal protective equipment (PPEs): EHRDs are often subjected to risks by the nature of the work they do, for example EHRDs in the forest sector are exposed to insects, snakes, bad weather and thorns.
2. Isolation and Stigmatization: EHRDs face social isolation and stigmatization within their communities, as their advocacy can sometimes be seen as disruptive or threatening to local economic interests as proclaimed by security and duty bearers.

Recommendations

The following are some specific recommendations to the Uganda government:

- c. The state should address all cases of arbitrary arrests, detention, and torture against EHRDs in Uganda.
- d. Investigate and prosecute all cases of human rights violations against EHRDs.
- e. Reform laws and policies that restrict the work of EHRDs and CSOs.
- f. Create an environment in which EHRDs can operate freely and without fear of

harassment or intimidation.

- g. Government should strengthen and enforce existing laws protecting freedoms of expression and assembly as well as access to information for the benefit of all citizens including EHRDs.
- h. Ensure that the laws related to land rights; environmental protection and natural resources management are in line with international human rights standards and are effectively enforced.
- i. Government of Uganda should support EHRDs and HRD networks with protection mechanisms including witness protection programs and emergency response systems.
- j. The government of Uganda, through its MDAs, should foster dialogue between EHRDs, government agencies and the private sector to find sustainable solutions to environmental and social challenges that are raised by communities and EHRDs in their different areas.

Recommendations to the International Community

- a. Provide support to EHRDs and CSOs.
- b. Engage the Uganda government to respect and protect the rights of EHRDs.
- c. Amplify the call to action for the government of Uganda to respect the global human rights defenders' standards and commitments.

Recommendations to Parliament

Parliament of Uganda should speed up the enactment of the Human Rights Defenders protection law to support HRDs with affirmative protection.

Conclusion

The human rights abuse and violations that EHRDs in Uganda face are a serious concern to all stakeholders. They violate a number of laws and rights and undermine the ability of EHRDs to do their important work. All stakeholders should appreciate that these human rights violations and abuses are not just a Ugandan problem but a global one.

It is important to raise awareness of these abuses and to call on government to take action to protect the rights of EHRDs. The government should also investigate and prosecute individuals implicated in all cases of human rights violations and abuses against EHRDs. Whereas the government of Uganda has repeatedly denied violating the laws and rights contained in this report and other documented human rights violations, there is a significant amount of evidence to suggest that these violations are taking place. The government of Uganda has a primary responsibility to respect and protect the rights of all Ugandans, including EHRDs and CSOs.

Endnotes

1 <https://www.omct.org/en/resources/urgent-interventions/arbitrary-detention-and-release-of-nine-environmental-human-rights-defenders>

2 Uganda: Judicial harassment of environmental and human rights... | OMCT

3 <https://www.hrw.org/report/2023/11/02/working-oil-forbidden/crackdown-against-environmental-defenders-uganda>



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