



15th May 2017

THE RIGHT TO FREEDOM FROM TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT IS A CONSTITUTIONAL RIGHT AND MUST BE RESPECTED

Uganda Law Society is outraged at the continued actions of torture of suspects in custody at Nalufenya Police Station and other places of detention over the alleged killing of the late Assistant Inspector General of Police Andrew Felix Kaweesi, and for several other offences as well.

We are particularly shocked at the inexcusable and barbaric treatment of the Mayor of Kamwenge Town Council, Mr. Geoffrey Byamukama, the illegal detention of 12 children of a one Mr. Abu Rashid Mbazira and the torture of several other Ugandans.

For the record, Article 24 of the Constitution and Section 3 (1) of the Prohibition and Prevention of Torture Act, 2012 states that: ***"No person shall be subjected to any form of torture, cruel, inhuman or degrading treatment or punishment."*** Article 44 (a) of the Constitution provides for non-derogation from the enjoyment of freedom from torture and cruel, inhuman or degrading treatment.

Furthermore, Article 28 (3) (a) **provides that every person is presumed innocent until proved guilty or until that person has pleaded guilty.** This is the foundation of our criminal justice system and all suspects must be looked at from the angle of innocence until when the cases are proved against them.

ULS demands that:

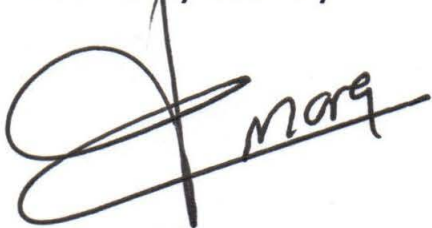
- 1) The perpetrators of acts of torture particularly the commanding officers should be brought to book. The Uganda Law Society is engaging the

Director of Public Prosecutions with view of securing authorization to prosecute persons who engage in acts of torture. The Prohibition and Prevention of Torture Act, 2012 criminalizes torture and provides for imprisonment sentence of fifteen years to anyone found guilty.

- 2) The political leaders of this country should take responsibility by intervening and ensuring that the law enforcement agencies respect the rights of all the citizens and refrain from using unconventional methods of handling suspects.
- 3) The police should be reskilled to enable them move away from the archaic method of police investigations that emphasizes obtaining confessions (guilt finding) rather than obtaining the truth (fact finding) using more scientific methods.
- 4) All the stakeholders should ensure that reforms aimed at ensuring the safeguards against torture in the first hours of detention are implemented. These include but are not limited to the following: **charging of all suspects within 48 hours; prompt access to a lawyer; access to a medical person; and importantly access to the detainee by a member of the family.** This coupled with strong Judicial oversight mechanisms should be able to eliminate cases of torture.

Uganda Law Society in line with its statutory mandate will continue to be at the forefront of urging the respect by all to the rule of law.

For God and My Country

A handwritten signature in black ink, appearing to read 'Gimara Francis', written over a horizontal line.

Gimara Francis
President ULS