



## **ULS STATEMENT ON ILLEGAL DETENTION OF UGANDANS**

Article 23 (4) of the Constitution of Uganda grants suspects under detention a right to be brought before court not later than 48 hours from the time of their arrest. This right should not be violated regardless the excuse.

Uganda Law Society is alarmed at the increasing incidents of arrests and detention of citizens beyond the prescribed 48 hours. This violation has been perpetrated by the Police, ISO and other military operatives. We have also noted an increase in detention of citizens in unknown places and places not gazetted by law. These include among others Sympson Birungi, General Kale Kayihura and Betty Bakaleke Namboze.

These acts are not only illegal but unconstitutional. Whereas we acknowledge the fact that there are prevailing security challenges, we wish to reiterate that insecurity is not grounds to suspend, or violate fundamental human rights and civil liberties guaranteed by the Constitution without due process.

Furthermore, while the Constitution is cognizant of public interest considerations, such public interest does not extend to political persecution, detention without trial, and any limitation of the enjoyment of the rights and freedoms prescribed by the Constitution beyond what is acceptable and demonstrably justifiable in a free and democratic society.

As the Uganda Law Society, we continue to implore all security agencies to be cognizant of the above Constitutional dictates in the performance of their duties.

We also call upon His Excellency the President of Uganda to demonstrate practical commitment to the rule of law by exercising his Commander in Chief function to order the various security agents to uphold and observe the provisions of law and order the release of all illegally detained citizens that are not produced to court. This should be done notwithstanding his personal views on bail and pre-trial freedoms of suspects.

We shall continue to call upon the Judicial bodies including the General Court Martial to unconditionally release suspects whose human rights have been violated as a commitment to demonstrate that our Courts refuse to be complicit and enablers of illegal detention and all forms of pre-trial injustice.

For God and My Country

**Simon Peter M. Kinobe**  
**Uganda Law Society President**