



BRUTAL ASSAULT OF UNARMED AND YIELDING SUSPECTS AT THE RESIDENCE OF MUSLIM CLERIC, SHEIKH MUHAMMAD YUNUS KAMOGA

Uganda Law Society (“ULS”) has with alarm and great concern reviewed the publicly circulated CCTV footage of several Police and other security officers violently assaulting unarmed and yielding suspects while effecting arrests at the residence of Muslim Cleric, Sheikh Muhammad Yunus Kamoga.

In the distressing footage, the Police and other security officers severally kick, beat, trip, and hit the unarmed and yielding suspects with their guns even as they submit peacefully to arrest and raise their arms in surrender.

In effecting lawful arrests, the Police and other security officers must use no more force than is reasonably necessary to apprehend a suspect. This means that in the case of unarmed and complying suspects such as those seen in the footage, there is no justification for the use of any force whatsoever.

Furthermore, the Constitution of Uganda, 1995 prohibits absolutely in all cases any form of torture or cruel, inhuman, or degrading treatment or punishment. This prohibition is not only non-derogable, its violation is an offence punishable under the Prevention and Prohibition of Torture Act, 2012 and offending officers are individually culpable and may be prosecuted accordingly.

Police and other security officers are further reminded and cautioned that by law, orders from superior officers are not a valid defence to a charge of torture and neither is any perceived public emergency or security threat. To this end, Police and other security officers have a duty to resist orders to take actions amounting to torture or cruel, inhuman or degrading treatment or punishment.

Additionally, it must be remembered by all law enforcement agencies that under the Human Rights Enforcement Act, 2019, infringing a suspect’s non-derogable rights, including the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, will lead to a declaration of the suspect’s trial a nullity

and their immediate acquittal thereby destroying any chance of a lawful conviction in deserving cases.

ULS strongly condemns the conduct of the offending officers, which conduct amounts to a gross and unacceptable violation of human rights and the Rule of Law. The recurrence of these and many similar violations continue to erode public trust in law enforcement agencies and must be halted without delay.

ULS therefore calls for an immediate and thorough investigation into the actions of the Police and other security officers involved in the impugned raid and the prosecution of those found to have contravened the law.

Law enforcement agencies including the Police and the Office of the Director of Public Prosecutions are urged to take swift action and implement structural and procedural reform required to ensure that incidents of this nature do not recur.

The Society will continue to monitor this matter closely to its conclusion and remains steadfast in its commitment to ensuring that the Rule of Law prevails.



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