RADICAL NEW BAR

UGANDA LAW SOCIETY

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# ANDREW MWENDA'S REMARKS CONSTITUTE COMPLICITY UNDER UGANDA'S OWN LAWS

***Kampala, Uganda – 17 November 2026:*** The Uganda Law Society issues its strongest condemnation to date of the video remarks made by Andrew Mwenda in his conversation with Terry Kahuma on ***Simply Legal***, released 16 November 2026. ***(YouTube: ANDREW MWENDA: WHY ABDUCTIONS, TORTURE & THE BASEMENT ARE NECESSARY)***. In that interview Mwenda justified and predicted the deployment of soldiers on every street, total shutdowns, corporal punishments and whipping, abductions, secret "basement" or underground detentions, and extrajudicial measures as instruments of "development," anti-corruption and political succession under Gen. Muhoozi Kainerugaba and the Patriotic League of Uganda (PLU).

**These are not abstract ideas. They describe methods already in use and methods he presents as forthcoming.** He stated that those who "undermine the public interest" will go to the basement (symbolic and operational, including cases where people "will not even appear in court" but will appear in an underground vault); that local defence forces or soldiers will be deployed with sticks to beat people, with rifles, armoured vehicles and tanks, and that "we will whip everyone within three days"; and that Muhoozi's rise will involve the use of "impunity to put an end to your impunity," with soldiers enforcing order outside corrupted judicial processes.

**These remarks are not innocent commentary. They attract liability under Ugandan law.**

Under the **Prevention and Prohibition of Torture Act, section 8**, any person who, whether directly or indirectly, **procures, aids or abets, finances, solicits, incites, recommends, encourages, harbours, orders, or renders support** to any person, knowing or having reason to believe that the support will be applied or used for or in connection with the preparation, commission or instigation of torture commits and offence. Mwenda's public recommendation of physical punishment by soldiers, basement detention and the bypassing of courts falls squarely within the language of recommendation, encouragement and support. **Section 10** imposes liability on a superior who knew or consciously disregarded information that a subordinate was committing or about to commit torture.

Under the **Penal Code Act**, **sections 19 and 20**, persons who aid or abet, or who form a common intention to prosecute an unlawful purpose where an offence is a probable consequence, are treated as principal offenders or joint participants. **Sections 363–365** criminalise conspiracy to prevent enforcement of the law or to effect an unlawful purpose by the means described.

Under the **Anti-Terrorism Act**, complicity in kidnapping or abduction is built into the definition of terrorism itself. **Section 7** criminalises aiding, abetting, financing, harbouring or rendering support with knowledge or reason to believe the support will be used for the preparation, commission or instigation of acts of terrorism (death penalty). **Section 8** criminalises establishing or supporting institutions that promote terrorism and the publishing or disseminating of materials that promote terrorism (death penalty). **Section 12** criminalises belonging or professing to belong to a terrorist organisation, soliciting or inviting support, and arranging or addressing meetings to support or further its activities.

Under the **International Criminal Court Act**, which incorporates **Article 25 of the Rome Statute**, a person who aids, abets or otherwise assists, orders, solicits or induces, or intentionally contributes to the commission of a crime against humanity (including torture and enforced disappearance) by a group acting with a common purpose, is individually responsible. Where the pattern of abductions and secret detentions is widespread or systematic, the domesticated modes of liability apply.

These provisions embody the same principles of associational and accessorial liability applied at Nuremberg and in subsequent international criminal law: **membership, propaganda, and knowing furtherance** of a criminal enterprise carry responsibility. Mwenda, as a long-standing associate, public interpreter and beneficiary of the Muhoozi–PLU project, has by these remarks aided, abetted and associated himself with the ongoing and prospective campaign of abduction, unlawful detention and extrajudicial measures that Gen. Muhoozi Kainerugaba's climate of fear has imposed over Uganda. **His words supply the public justification and the psychological preparation for the next wave. That is complicity.**

The same theories of liability attach to **Gen. Muhoozi Kainerugaba** as the primary beneficiary and commander, and **to every PLU "patriotic officer," spokesperson or associate who fails to disavow these remarks and the practices they describe.** Continued association without withdrawal, after clear public endorsement of soldiers beating civilians, basements replacing courts, and impunity as policy, is evidence of shared purpose and contribution. Silence is not neutrality.

**International Obligations**

These remarks and the failure to disavow them offend or threaten Uganda's obligations under the **UN Convention Against Torture** (absolute prohibition; no exceptional circumstances; duty to prevent, criminalise and prosecute), the **International Covenant on Civil and Political Rights** (Arts 7, 9, 14), the **Rome Statute** (crimes against humanity of torture and enforced disappearance), and the **African Charter on Human and Peoples' Rights** (Arts 4, 5, 6, 7). **They also violate the non-derogable constitutional guarantees in Articles 24 and 44.**

**Demands**

The Society demands that **Gen. Muhoozi Kainerugaba**, the **PLU**, the **Government of Uganda**, and the **responsible state institutions** take the following immediate steps:

1. **Immediate, unequivocal public disavowal** by Gen. Muhoozi Kainerugaba, the PLU Secretariat, and all associated figures of Mwenda's justification of abductions, basement detentions, corporal punishment by soldiers, and extrajudicial measures, and of any reliance on those methods.

2. **Immediate cessation by the UPDF, Police and all security agencies of all abductions, secret or incommunicado detentions, corporal punishments by soldiers, and other extrajudicial measures.** Full disclosure of the whereabouts and condition of every person held in enforced disappearance or secret detention, their immediate production before a competent court, and the **unconditional release** of those detained without lawful process.

3. **That Andrew Mwenda be treated, for purposes of accountability, as a participant in the criminal enterprise he has publicly advanced** — not as a mere commentator.

4. **The Director of Public Prosecutions to direct the police to open investigations** into whether the public remarks constitute offences under section 8 of the Prevention and Prohibition of Torture Act, sections 7, 8 and 12 of the Anti-Terrorism Act, sections 19, 20 and 363–365 of the Penal Code Act, and the modes of liability under the International Criminal Court Act where the threshold of a widespread or systematic attack is met, and to prosecute where the evidence establishes the elements.

5. **The Judiciary, including the International Crimes Division, to ensure that any prosecutions or civil claims arising from these patterns of abduction, secret detention and torture are heard by independent, impartial courts** applying the full range of accessorial, common-purpose and organisational liability under domestic law and the ICC Act; to reject any claim that public justification of these methods is protected speech or legitimate political analysis; and to enforce the absolute prohibition of torture and the exclusion of evidence obtained by torture.

6. **The Uganda Human Rights Commission to conduct a prompt, independent investigation into the remarks as advocacy that undermines the prevention of torture, and into the pattern of abductions and basement detentions they describe**, and to issue public findings and recommendations consistent with its mandate under the Constitution and the Prevention and Prohibition of Torture Act.

7. **All state institutions to treat the failure of PLU associates to disavow these remarks as relevant evidence of continued association and potential contribution to a common purpose**, for the purposes of investigation and, where the legal elements are met, prosecution or other accountability measures.

Let us be clear: Mwenda is wrong. **No superior officer may invoke "public interest," "anti-corruption," "development" or succession as a defence** under the Prevention and Prohibition of Torture Act or the Constitution.

The prevailing climate of fear is produced by concrete methods attributed to PLU chairperson Gen. Muhoozi Kainerugaba, and by those who actively defend, or passively condone them. Andrew Mwenda's remarks make the link unmistakable under Uganda's own statutes. **Those who benefit from, and those who refuse to repudiate, the project he describes share in the responsibility.**

The rule of law does not survive the normalisation of the basement, the stick and the disappearance. The Society will continue to document, challenge and resist it.

**RESIST LAWLESSNESS. FREE ALL POLITICAL PRISONERS.**



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