COALITION AGAINST TORTURE AND THE COALITION ON POLICE ACCOUNTABILITY & SECURITY SECTOR REFORM

FOR IMMEDIATE RELEASE

STATEMENT CONDEMNING THE ALLEGATIONS OF TORTURE OF SUSPECTS

BY SECURITY AGENCIES

The Uganda Coalition Against Torture which is hosted by ACTV; and the Uganda Coalition on Police Accountability and Security Sector Reform hosted by HURINET-U with a membership of over 300 NGOs, wish to express concern over the increased reports of cases of torture in Uganda that continues to claim the dignity of the citizens.

It should be recalled that scores of citizens have reported allegations of torture inflicted on them, and most unfortunately most of the allegations pin point the Uganda Police Force as the biggest perpetrators of these torture cases; for instance there have been ongoing allegations of torture, cruel, inhumane and degrading treatment perpetrated by security agencies on the 13 men formerly detained at Nalufenya Police Station, suspects implicated in the murder of Assistant Inspector General of Police Andrew Felix Kaweesi and his driver Godfrey Wambowo and body guard Kenneth Erau. These suspects include;

1. Abdu Rashid Mbaziira
2. Higenyi Aramanzani Noordin
3. Mugerwa Yusuf

For more information contact; Patrick Tumwine; Email: tumwineP12@gmail.comHuman Rights Network-Uganda (HURINET-U) Tel: 0702112330 or; Esther Nabwire; Email: esther.nabwire@actvuganda.org African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) 0701 1953470
4. Bruhan Balyejusa
5. Baganda Umar
6. Ahamada Senfuka
7. Hassan Tumusiime
8. Ibrahim Kissa
9. Osman Mohamed Omarite
10. Magambo Hamidu
11. Abdu Majidu
12. Kyambadde Joshua
13. Sheikh Musa Ntende

The suspects were rounded up from 20th March 2017 to 7th April 2017 from different locations in the country and eventually detained at Nalufenya Police Station where they were allegedly tortured; and are currently remanded at Luzira Upper Prison. Among the methods of torture employed were; Flogging with the head upside down, cuts on the head, hitting with gun butts, putting red pepper in the eyes, nose, mouth and anus; immersion in water, burning with a flat iron, blindfolding, placement of a polythene bag over the head, drinking urine, electrocution and threats among others.¹

Uganda ratified the Convention Against Torture and other cruel, inhuman or degrading Treatment or punishment on 26th June, 1987 which criminalizes all forms of torture. At National level, freedom from Torture, Cruel, Inhuman and Degrading Treatment is guaranteed under Article 24 of the 1995 Constitution of the Republic of Uganda which states that “No person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment”. Freedom from torture is also an absolute right under Article 44 (a) of the same Constitution. The Prevention and Prohibition of Torture Act (PPTA), 2012 criminalizes all acts of Torture Cruel, Inhuman and Degrading Treatment. Furthermore the PPTA 2012, Section 14 (1) and (2) shows the inadmissibility of evidence obtained by torture.

¹ New Vision, Saturday 13th May, 2017, at Page 4-5

For more information contact; Patrick Tumwine; Email: tumwineP12@gmail.com Human Rights Network-Uganda (HURINET-U) Tel: 0702112230 or; Esther Nabwire; Email: esther.nabwire@acvuganda.org African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) 0701 1953470
Most recently also, the Kamwenge Town Council Mayor Geoffrey Byamukama was admitted at Nakasero hospital with serious wounds he allegedly sustained from police torture and brutality at the Nalufenya detention Centre.

What continues to baffle most stakeholders is the persistent manifestation of torture perpetrated by state security agencies particularly the Uganda Police Force (UPF) even with the existence of clear legislations both at National and International level. Under Article 212 of the 1995 Constitution of the Republic of Uganda for instance, it is the obligation of the Police to protect the life and property of the citizens. Uganda has also ratified the Universal Declaration of Human Rights which expressly states under Article 5 that no person shall be subjected to any form of torture. The International Covenant on Civil and Political Rights under Article 7 also prohibits torture. Having these laws in place, Uganda should respect and fulfill its obligations as envisaged under the law.

In addition, it is also a constitutional obligation of the Police to investigate crime; however, there has not been deliberate effort by the UPF to investigate cases of torture which has mounted fear among the members of the public but also undermined confidence in state capacity to secure its citizens. This therefore leaves the Police Force with an uphill task to ensure that the lost confidence/trust is restored among the citizenry.

It should also be recalled that the police Act as well as the 1995 Constitution of the Republic of Uganda bestows upon the Uganda Police Force the obligation to protect the citizenry and their property. The current warring trends demonstrate the State’s failure to play this role. The “responsibility to protect” lies in the hands of the state.

The Coalitions also note that, the continued reports of torture are also a manifestation a culture of breeding impunity by state security agencies which we condemn in the strongest terms possible.

Therefore, even as we seek for justice in the murder of the late AIGP Andrew Felix Kweesi, his bodyguard; and driver, this should be done within the confines of the law.

For more information contact: Patrick Tumwine; Email: tumwineP12@gmail.comHuman Rights Network-Uganda (HURINET-U) Tel: 0702112230 or; Esther Nabwire; Email: esther.nabwire@actvuganda.org African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) 0701 1953470
The use of torture only serves to deter access to justice because of the inadmissibility of the evidence obtained as a result of torture.

We are dismayed at the manner in which Police is conducting the investigations and how the law is openly being disregarded with impunity. We believe in the universality of human rights and assert that we are all equal before the law. Uganda is a party to the international and regional instruments including the UDHR, ICCPR, ACHPR, CAT, among others. All these treaties abolish torture as a means obtaining information or confessions from suspects or anybody arrested. Freedom from torture is a non-Derogable right.

In view of the above therefore, we call for urgent action by government and other institutions of government to do the following:

- The police should investigate as a matter of urgency the allegations of torture by suspects in their custody especially those in the Nalufenya Detention Centre and all other torture allegations that have been reported in the media and the perpetrators be charged under the Prohibition and Prevention of Torture Act (2012);
- The Directorate of Public Prosecutions and the Judiciary should reject all evidence collected as a result of torture;
- The Human Rights Committee of Parliament to conduct an investigation into the allegations of torture and specifically investigate Nalufenya Detention Facility;
- The Uganda Prisons Service to reject all suspects remanded to the prisons as long as they have been tortured;
- Uganda should ratify the Optional Protocol to the Convention Against Torture (OPCAT 2006) to allow free and unlimited access to all detention facilities in the country for inspection by Human Rights bodies.
- The Uganda Police Force to assume their Constitutional obligation to protect life and property of the citizenry.

For more information contact: Patrick Tumwine; Email: tumwineP12@gmail.com Human Rights Network-Uganda (HURINET-U) Tel: 0702112230; Esther Nabweire; Email: esther.nabweire@actvuganda.org African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) 0701 1953470
✓ For the Ministry of Internal Affairs should assume political responsibility for the acts of torture committed by the Police and ensure that the Police are accountable to the principles of rule of law and democratic policing.
✓ UPF and UPDF should work towards restoring confidence among members of the public by ensuring the safety and security of citizens;
✓ With the recent renewal of the Inspector General of Police’s contract, we implore the IGP to work towards rebuilding the image of the Police Force and restoring professionalism, accountability and democracy in the Uganda Police Force.
✓ The Uganda Human Rights Commission should as a matter of urgency publish the report of their investigation about Nalufenya after the visit to facilitate accountability.

FOR GOD AND MY COUNTRY!

On Behalf of the Coalition on Police Accountability and Security Sector Reform

Mr. Mohammed Ndifuna
CEO HURINET-U

On behalf of the Coalition Against Torture

Mr. Samuel Herbert Nsubuga
CEO ACTV

For more information contact: Patrick Tumwine; Email: tumwineP12@gmail.com Human Rights Network-Uganda (HURINET-U) Tel: 0702112230 or; Esther Nabwire; Email: esther.nabwire@actvuganda.org African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) 0701 1953470