

For Immediate Release

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Continued detention of Tumukunde & others is a violation of personal liberty

Immediately produce them in court or release them forthwith

The continued detention of retired Lt. Gen. Henry Tumukunde and 14 others beyond 48 hours without being produced in a court of law is a violation of their constitutional right to protection of personal liberty, Chapter Four Uganda said today. The authorities should immediately release them or produce and charge them in court if there are any offences.

On March 12, 2020, a joint security task team led by the Directorate of Criminal Investigations arrested retired Lt. Gen. Tumukunde at his home in Kololo and took him into custody. He has now spent over 68 hours in detention without being produced in court.

Following his arrest, at least 14 other people have been taken into custody on related investigations under unknown charges. Close family relatives of Mr. Tumukunde including his son and brother are among those in custody. Hon. Nyakecho Annet, Member of Parliament of Tororo North County, her family members and other people are also under arrest. One of the people in detention is a lactating mother with a 1 year-old baby who has been denied access to breastfeeding.

The developments are in breach of Article 23 (b) of the Constitution of the Republic of Uganda which provides that if a person is arrested or detained, he or she must be produced before a court of law within 48 hours or be released on police bond. The continued detention further subjects them to possible violations of other personal liberties and freedom from torture and other forms of inhuman or degrading treatment.

The police have since indicated that they are detaining retired Lt. Gen. Tumukunde in relation to charges of treason and offences against the State under section 23 (2) (b) and (3) (b) of the Penal Code Act. They allege that he instigated persons to invade the Republic of Uganda and incited people to make a mutinous assembly. If the police have sufficient evidence against him, they should immediately produce him in a court of law and guarantee him a fair trial.

It is not clear what charges the other fourteen people are being charged with. It is important to note the Constitution requires that if any person who is arrested or detained, he or she must be informed immediately of the reasons for the arrest.

Chapter Four Uganda urges authorities to respect due process and the rule of law. Police officers and other security agents will be held personally liable for their actions under the Human Rights (Enforcement) Act, 2019 if they do not comply with the law.