



# KNOW YOUR RIGHTS

## POLICE SEARCHES OF NGO OFFICES: WHAT YOU NEED TO KNOW AND DO

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Police searches of NGO offices and confiscation of properties such as computers, mobile phones, financial transaction documents, activity files and data among others, on allegations of inter alia illicit financing, funding subversive activities, planning to burn the city raise serious human rights and legal concerns.

These search orders are obtained under section 70 of the Magistrates Courts Act and section 7(2) of the Criminal Procedure Code Act of 1950, and are granted by magistrate's courts. In the current political context and the legal circumstances of their issuance and manner of searches, Chapter Four Uganda finds them unwarranted and an attack on the legitimate operations of civil society organizations and the wider civic space in Uganda.

But this brief is not intended to discuss the legality of the searches but to provide a quick guide to members of the civil society on what they need to know and do when faced with such searches and seizures.



**For more information & legal support:**

Chapter Four Uganda, Plot 2, Wampewo Close - Kololo  
Call us on 0790 916 614 | E-Mail: [info@chapterfouruganda.com](mailto:info@chapterfouruganda.com)  
Website: [www.chapterfouruganda.com](http://www.chapterfouruganda.com)

# 01

You have rights. Stay calm. Welcome the officers in to the office. The police are required not to act arbitrarily, unreasonably and unlawfully. If they do, document it.

# 02

Ask the officers to introduce themselves using their warrant cards and explain the purpose of their visit. If not attached to the court order, ask that you make copies of their warrant cards. If they reject to do so, document their names and police numbers, if you can.

# 03

If they ask to search the premises, ask them for a copy of the oath/affidavit and search warrant. If they have a search warrant, ensure it is genuine and the names of the officer authorized to search is on the court warrant, and if not, a letter from the applicant for the search explaining why other officers other than him/her are carrying out the exercise.



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# 04

Look through to confirm that it has been addressed to you and that it bears a signature and seal of the court.

# 05

Take time to carefully read its contents to understand the areas to be searched at your premises. The court warrant must also state the alleged offence for which the search is being conducted and the list of things to be searched.

# 06

Look out to confirm that the officer leading the search is the one who applied for the search warrant. If it is not the officer(s) named, ask for why that is the case. Searches are supposed to be conducted by the officer (s) who applied for it.



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07

Ask to speak with a lawyer as soon as possible for advice on how to proceed. Demand the presence of your self-appointed lawyer before the search is conducted. It is important that a lawyer witnesses the search together with yourself.

08

The search must be executed between the hours of sunrise and sunset (usually between 8am – 5pm) unless otherwise directed by court in the warrant. Point that out if the police officers do not know and record their reaction. If they refuse to follow the law, document it carefully including the time spent carrying out the search after 5pm.

09

**DO NOT** lie or show false documents during the search and interrogations. Cooperate with the police and provide them with the documents or things they ask for, if you have it. If you don't have them, say so. Don't be shy to say so. Be truthful to the police.



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10

DO NOT sign any papers, other than search certificate, without speaking to a lawyer.

11

DO NOT block police officers from taking any material of interest to them.

12

DO NOT answer what you have not been asked. Keep your answers short and concise. Do not be too eager to please. Remember the police are not there to take care of your interest but their own.



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# 13

Watch out for bait questions that raise hypothetical scenarios. Most are designed to provoke you to contradict yourself in an incriminating manner. Raise objections to such questions, if you feel uncomfortable answering. Respond to questions on matters you should reasonably know of directly with definite answers and ONLY use memory qualifiers such as “as far as I can remember” or “I believe” when you have to.

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# 15

Seized property may be kept by the police until conclusion of the case or investigation. Police is expected to take reasonable care for its preservation until the time to return it comes.



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16

Keep track of the items that are taken away. At the end of the search, police **MUST** give you a copy of the **SIGNED** search certificate that details each and every item that has been seized. The lead investigator, an officer of the organization and other witnesses are supposed to sign on the certificate.

17

Try to de-escalate the situation. Do not confront the police or deny them access. After the search, immediately follow up with a lawyer for representation.

**KNOW  
YOUR  
RIGHTS.**

**CLAIM  
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