POSITION PAPER

The Basement Republic: Torture, Impunity and the Ugandan State

Kiiza Eron

Advocate of the Courts of Judicature of Uganda

Managing Partner, M/s Kiiza & Mugisha Advocates

9 November 2026

Revised: 11 November 2026

Version Code: 111126

CONTENTS

PART I: EXECUTIVE SUMMARY....4

PART II: INTRODUCTION....6

A. THE OLDEST LIE OF POWER....6
B. WHAT TORTURE IS....6
C. WHY STATES TORTURE: FIVE MOTIVES....7
D. THE LONG MARCH OF THE LAW FROM BABYLON TO KAMPALA....8
E. AFRICA'S TORTURE LEDGER....11
F. THE VERDICT OF FAITH....15
G. SCOPE, METHOD AND DISCLOSURE....19

PART III: CONSTITUTIONAL PROVISIONS....20

A. ARTICLE 24: THE PROHIBITION....20
B. ARTICLE 44: RIGHTS BEYOND DEROGATION....20
C. ARTICLE 23: PERSONAL LIBERTY....20
D. ARTICLE 28: THE FAIR HEARING....20
E. ARTICLES 20, 50 AND 221: DUTIES AND ENFORCEMENT....21
F. ARTICLES 51 TO 53: THE UGANDA HUMAN RIGHTS COMMISSION....21
G. ARTICLE 98: THE COMMANDER-IN-CHIEF....21
H. CRUEL, INHUMAN AND DEGRADING TREATMENT....21

PART IV: STATUTE....22

A. THE PREVENTION AND PROHIBITION OF TORTURE ACT, (CAP. 130)....22
B. THE HUMAN RIGHTS (ENFORCEMENT) ACT, (CAP. 12)....23
C. THE JUDICATURE ACT, (CAP. 16)....23
D. THE EVIDENCE ACT, (CAP. 8)....23
E. THE PENAL CODE ACT, (CAP. 128) AND THE UGANDA PEOPLES' DEFENCE FORCES ACT, (CAP. 330)....24
F. THE POLICE ACT, (CAP. 324)....24
G. THE PRISONS ACT, (CAP. 325)....24
H. THE MAGISTRATES COURTS ACT, (CAP. 19)....25
I. THE PREVENTION AND PROHIBITION OF TORTURE REGULATIONS, 2017....25

PART V: INTERNATIONAL TREATIES AND STANDARDS....29

A. THE CONVENTION AGAINST TORTURE....29
B. OTHER BINDING INSTRUMENTS....29
C. STANDARDS AND GUIDELINES....30

PART VI: CASE LAW....31

A. THE FILES: THE LEDGER OF BODIES....31

B. THE JURISPRUDENCE OF UGANDA'S COURTS.....47
C. INTERNATIONAL AND COMPARATIVE JURISPRUDENCE.....50

PART VII: COMMENTARY ON THE LAW AND PRACTICE GAP.....53

A. THE TORTURER'S TOOLKIT.....53
B. THE PRESS IN THE CROSSHAIRS.....55
C. TWO MOUTHS OF THE STATE.....57
D. THE GAP BETWEEN JUDGEMENT AND JUSTICE.....60
E. THE VOICES OF CONSCIENCE.....61
F. THE WORLD IS WATCHING.....68
G. INCOMMUNICADO DETENTION: TORTURE BY CONCEALMENT.....73
H. THE GAOLER CANNOT BE NEUTRAL: DUTIES TO PREVENT, REPORT AND INVESTIGATE.....76
I. THE MAGISTRATE WHO LOOKS AWAY: JUDICIAL DUTIES TO CONFRONT TORTURE.....82
J. SIX EXCUSES AND THEIR ANSWERS.....85
K. CONCLUSION ON THE GAP: THE BASEMENT AND THE COURTROOM.....88

PART VIII: REMEDIES.....90

A. REMEDIES AVAILABLE NOW.....90
B. REFORMS THE LAW NOW REQUIRES.....92

PART IX: LIST OF AUTHORITIES.....95

A. CONSTITUTION AND STATUTES.....95
B. TREATIES AND INTERNATIONAL STANDARDS.....95
C. UGANDAN CASES.....96
D. INTERNATIONAL AND FOREIGN CASES.....97
E. OTHER SOURCES.....98

PART X: TEMPLATES.....100

Template 1: Notice of Motion.....100
Template 2: Affidavit in Support.....104
Template 3: Summary of Evidence, List of Witnesses, List of Documents and List of Authorities.....108
Template 4: Bench Protocol on the Production of a Visibly Tortured Suspect.....110

PART I: EXECUTIVE SUMMARY

> *"**Whoever was tortured, stays tortured.**"*
>
> — Jean Améry, At the Mind's Limits (1966)

Uganda prohibits torture completely. Article 24 of the Constitution forbids it. Article 44(a) places freedom from it beyond derogation, even in a state of emergency. The Prevention and Prohibition of Torture Act, (Cap. 130) makes it a crime punishable by up to life imprisonment. The Convention against Torture has bound Uganda since 1986. Yet torture remains a routine instrument of the Ugandan State, and those who practise it are almost never punished.

This Paper documents that gulf between a stern constitutional and legal prohibition of torture and the naked impunity of torturers coupled with the prevalence of the vice. Drawing on court records, the findings of the Uganda Human Rights Commission, the reports of rights organisations and two decades of Ugandan and international reporting, it examines fourteen files: the blinding of Dr Kizza Besigye in 2011 and his collapse in the dock in 2026; the Kaweesi murder suspects at Nalufenya; Geoffrey Byamukama, Mayor of Kamwenge; Dr Stella Nyanzi; Robert Kyagulanyi Ssentamu (Bobi Wine) and the Arua detainees; Hon. Francis Zaake, at Arua in 2018 and in the COVID-19 lockdown of 2020; the novelist Kakwenza Rukirabashaija; Anthony Odur and four human rights defenders; Edward Ssebuufu (Eddie Mutwe); the Kenyan activists Bob Njagi and Nicholas Oyoo; Sam Mugumya, disappeared and tortured to disability; Agatha Nazziwa ("Blue Tick"); Erias Lukwago and the dismantling of Dr Besigye's defence team; and the wider ledger of abducted citizens, foreign activists and journalists.

The Paper places Uganda's record in a longer story. Part II traces the prohibition from Hammurabi's pillar to Kampala's courtrooms; explains, with the help of the survivors and philosophers who have studied it, why States torture at all; opens Africa's own ledger, from the poison ordeal and the island of punishment on Lake Bunyonyi to the slave ship and the liberator who became a gaoler; and sets out what the Bible and the Qur'an say about the tortured prisoner. Part VII then calls the playwrights, poets, singers, painters and judges of the world as witnesses. The reader who wants only the law may go straight to Part III. The reader who wants to understand why the law keeps failing should not.

Six findings emerge.

a) The methods are stable and documented: beatings on the joints with wires and batons, suspension from the ceiling, pliers, electric shock, water torture, burning, genital torture, unknown injections, starvation and the deliberate denial of medical care, applied in ungazetted "safe houses" and military facilities to persons abducted in unmarked vans.

b) The torture has become public. The Chief of Defence Forces has announced on social media that named captives were in his "basement", posted photographs of them shaven, stripped or blindfolded, and threatened further violence. A crime that once depended on secrecy now advertises itself through the CDF.

c) The President condemns torture in writing while presiding over its practice. His letters of 2017 and 2018 and his statement of August 2026 sit beside his mockery of the injuries of opposition MPs in 2018 and 2020, the promotion of an officer filmed blinding Dr Besigye, and the continued command of the officer who boasts of the basement.

d) The courts have sometimes believed the scars, awarding damages to the Kaweesi suspects, Hon. Francis Zaake and Kakwenza Rukirabashaija, but they almost never secure the conviction of a torturer. In June 2026 the Constitutional Court struck down the provision of the Human Rights (Enforcement) Act, (Cap. 12) that required a trial court to declare a trial founded on torture a nullity, removing the strongest deterrent the law offered.

e) The State's agents beat the very journalists who witness its violence, at the door of the United Nations human rights office in 2021 and across Kawempe North in 2025, so that the State attacks the record of torture at the same time as its victims.

f) Incommunicado detention is itself torture. The Second Schedule to the Prevention and Prohibition of Torture Act names it as mental torture, and the High Court has applied that rule. The law also binds every gaoler to prevent, report and investigate torture, and every magistrate to order an investigation when a detainee complains of it. Those duties go unenforced, and Parts VII.G to VII.I set them out.

The Paper recommends that the State investigate and prosecute every official credibly implicated, whatever his rank, under Sections 4, 5 and 10 of the Prevention and Prohibition of Torture Act, (Cap. 130); close every ungazetted place of detention and publish a register of detainees; treat every order of habeas corpus as binding on the military command; guarantee independent forensic examination of every detainee who alleges torture; provide full reparation to survivors; and restore, by appeal or by legislation, a remedy that makes torture costly to the prosecution that relies on it. Part VIII sets out the remedies a practitioner can invoke today, and Part X supplies court-ready templates.

PART II: INTRODUCTION

"Torture is a fragile and dangerous thing, which may deceive the truth."

— Ulpian, Digest 48.18.1.23

A. THE OLDEST LIE OF POWER

Torture is the confession of a frightened State. It speaks the language of strength, but it betrays weakness: a government that must break a body to hold a nation has already lost the argument it cannot win in the open air.

Every torturer tells the same lie. He says the pain is necessary, temporary and private. History answers him on all three counts. The pain is never necessary, because the truth it extracts is worthless and the fear it manufactures is the only real product. The pain is never temporary, because, as the Austrian survivor Jean Améry wrote after the Gestapo hung him by his wrists, *"Whoever was tortured, stays tortured."* And the pain is never private, because a scar on one citizen is a message addressed to all the others.

Uganda knows this message from the State Research Bureau's cells at Nakasero under Idi Amin, in the barracks and "safe houses" of the decades that followed, at Nalufenya, at Mbuya, at Kireka, and in the windowless rooms whose addresses the State still refuses to disclose. Ugandans have read it on the swollen face of an opposition leader carried into a courtroom, in the limp of a musician who once filled stadiums, and in the shaven head of a young bodyguard whose captor boasted of his torture on social media.

This Paper does three things. It defines torture with the precision the law demands. It sets out, case by case, how the Ugandan State and its agents have practised it, and what courts, commissions and the world's press have said. And it places Uganda's experience before the great tribunal of human conscience: the prophets and the scriptures, the jurists and the poets, the statesmen and the survivors. The verdict of that tribunal is unanimous. Torture is never law. It is the absence of law dressed in a uniform.

B. WHAT TORTURE IS

Torture is the deliberate infliction of severe pain or suffering, physical or mental, on a person in another's power, for a purpose: to extract a confession, to punish, to intimidate, to coerce, or to discriminate. Three elements define it in every serious legal system: severity, intention and purpose. When a public official inflicts it, instigates it or tolerates it, the State itself becomes the torturer.

The law defines torture by its elements; survivors define it by what it does. Torture does not aim at the body alone. It aims at the self: at the victim's trust that the world is safe, that words matter, that a human face can be kind. The torturer forces the captive to choose between betrayal and pain, then makes him live with either choice. That is why

the State tortures in secret and why it boasts in public. The secret wound breaks the captive; the public boast breaks everyone who hears it.

C. WHY STATES TORTURE: FIVE MOTIVES

Every torturer claims a reason. The reasons change with the century; the motives do not. Scholars of torture, reading two and a half thousand years of practice, have identified five, and each of them is at work in Uganda today.

Motive	What torture is for	Key thinkers	Where Uganda shows it
Evidentiary	Producing a confession that convicts	Ulpian; Montaigne; Beccaria; Langbein	Confessions extracted at Nalufenya and tendered in the Kaweesi prosecutions (File 2)
Interrogational	Extracting information, real or imagined	Shue; Luban; Rejali	Detainees questioned under torture about the funding and organisation of the opposition (Files 4 and 6)
Punitive and spectacular	Displaying sovereign power over the body	Foucault	The shaven, stripped and blindfolded captives posted on social media (Part VII.A)
Terroristic	Intimidating a population through its victims	Shue; Fanon; Arendt	The post-election abductions of 2021 and 2026, meant to be heard about (Parts VI and VII)
Dominative	Breaking identity and loyalty; making the victim believe what power dictates	Scarry; Orwell; Améry	Detainees forced to renounce the opposition and pledge loyalty before release

The philosophers who have studied the practice most closely explain why the five motives so often collapse into the last two.

Elaine Scarry, in *The Body in Pain* (1985), showed that intense pain destroys language. The interrogation's questions are a pretext. The ritual converts the prisoner's real and unshareable pain into a display of the regime's power, which is itself fictional and insecure. Torture, she argues, is the "unmaking" of a person's world.[1]

[1] Elaine Scarry, The Body in Pain: The Making and Unmaking of the World (Oxford University Press, 1985), chapter 1.

Jean Améry, hung by his wrists by the Gestapo at Breendonk in Belgium in 1943, gave the survivor's account. At the first blow, he wrote, the prisoner loses "trust in the world": the expectation that others will respect the boundary of his body. It is never fully restored. That is the meaning of the sentence with which this Paper begins.[2]

Henry Shue, in his 1978 essay "Torture", explained why torture is worse than killing in war. The soldier on the battlefield can defend himself. The prisoner in the cell is wholly defenceless, and the torturer attacks him precisely because he cannot fight back.[3]

Michel Foucault opened *Discipline and Punish* (1975) with the public torture and execution of Robert-François Damiens in Paris in 1757. The scaffold, he argued, was a political theatre in which the King wrote his power on the body of the condemned for the crowd to read.

Darius Rejali, in *Torture and Democracy* (2007), documented what happens when the world watches such States. They do not stop torturing. They move to techniques that leave few marks: water, electricity, stress positions, sleep deprivation and noise. "Clean" torture is the monitored State's torture.[4]

Frantz Fanon, a psychiatrist in French Algeria, treated torturers as well as their victims. In *The Wretched of the Earth* (1961) he described a police inspector who tortured prisoners by day and began to beat his wife and children at night. The torturer, too, is unmade. **Hannah Arendt**, watching Eichmann's trial in Jerusalem, added the most uncomfortable lesson of all: great evil is usually the work of ordinary functionaries who do not think about what they do.

Read together, these thinkers explain the Ugandan record better than any security briefing. The confession at Nalufenya serves the first motive; the questions about opposition funding serve the second. But the photograph of a shaven captive on a general's social media account serves no investigation at all. It is Foucault's scaffold rebuilt for the age of the smartphone: a display of power over a body, addressed to everyone who might be next.

D. THE LONG MARCH OF THE LAW FROM BABYLON TO KAMPALA

Humanity did not inherit the prohibition of torture; it earned it, statute by statute and corpse by corpse. The story moves from the right of the strong to punish, to the duty of the State to prove.

---

[2] Jean Améry, "Torture", in At the Mind's Limits: Contemplations by a Survivor on Auschwitz and Its Realities (1966; trans. S. and S. P. Rosenfeld, Indiana University Press, 1980).

[3] Henry Shue, "Torture", Philosophy & Public Affairs 7 (1978) 124.

[4] Darius Rejali, Torture and Democracy (Princeton University Press, 2007).

Hammurabi and the first restraint

The Code of Hammurabi (c. 1754 BC) did not abolish cruelty. It codified it. Law 196, in L. W. King's 1910 translation, reads: *"If a man put out the eye of another man, his eye shall be put out."* Babylon mutilated, drowned and impaled. Yet the Code achieved something revolutionary. It took punishment out of the hands of the powerful and placed it on a public stone, bounded by proportion and administered by judges. Its prologue announced the purpose plainly, *"that the strong should not harm the weak."* Men without a warrant who drag a Ugandan from his home deny him the protection a Babylonian peasant could read on a pillar four thousand years ago.

Rome's jurist who doubted the rack

Roman law permitted the *quaestio*, judicial torture, chiefly against slaves. But the jurist Ulpian, preserved in Justinian's *Digest* (48.18.1.23), recorded the lawyers' doubt: torture is *"a fragile and dangerous thing, which may deceive the truth."* The ancients already knew what modern interrogators deny: the tortured man says what ends the pain, not what is true.

The ordeal, the confession and how Europe chose the rack

Medieval Europe at first left guilt to God. The accused carried a bar of red-hot iron, or plunged his hand into boiling water; the judges bound and sealed the burnt hand for three days, and if it had festered rather than healed cleanly, he was guilty. In the ordeal of cold water, the priests lowered the bound accused into consecrated water: to sink was to be innocent. The burn was certain. Only the verdict was left to chance.

In 1215, the same year as Magna Carta, the Fourth Lateran Council forbade clergy to take part in the ordeals, and the system collapsed. The courts of continental Europe replaced it with the Roman-canon law of proof, which allowed conviction for a serious crime only on the evidence of two eyewitnesses or on the accused's own confession. Where witnesses were lacking, the court needed a confession, and torture supplied it. As the legal historian John Langbein showed, torture was not a medieval aberration but a rational consequence of a law of proof that made the confession the "queen of proofs".[5] The lesson for Uganda is that wherever the system rewards a confession more than an investigation, interrogators will beat the confession out of the suspect. Section 24 of the Evidence Act, (Cap. 8) and Section 14 of the Prevention and Prohibition of Torture Act, (Cap. 130) exist to remove that reward.

The Supreme Court of the United States drew the line in 1936. Officers had hanged three Black tenant farmers in Mississippi from a tree and whipped them until they confessed to murder. Chief Justice Hughes quashed the convictions: "Because a State

[5] John H. Langbein, Torture and the Law of Proof: Europe and England in the Ancien Régime (University of Chicago Press, 1977).

may dispense with a jury trial, it does not follow that it may substitute trial by ordeal. The rack and torture chamber may not be substituted for the witness stand."[6]

English common law closes the door

In 1215 the barons at Runnymede extracted from King John the promise in Clause 39 of Magna Carta that the King would not take or imprison any free man, nor proceed with force against him, *"except by the lawful judgement of his peers or by the law of the land."* In 1628, when the Crown proposed to rack John Felton, the assassin of the Duke of Buckingham, the assembled judges of England answered unanimously that torture was not allowed by the laws of the realm. The Bill of Rights 1689 forbade *"cruel and unusual punishments."* Uganda inherited this common law.

The common law's record was not, however, spotless. Between 1540 and 1640 the Privy Council issued 81 warrants authorising torture, chiefly in cases of treason and sedition, in the Tower of London. Torture in England was never a weapon of the ordinary courts. It was a weapon of the Crown against those it called its enemies.[7] William Blackstone, writing in 1769, put the point in six words that every Ugandan security chief should read: the rack was "an engine of state, not of law".[8] The safe house is the modern engine of state. It sits outside the law for the same reason the Tower's rack did.

The Enlightenment and Beccaria's verdict

In 1764 the Milanese jurist Cesare Beccaria published *On Crimes and Punishments* and demolished torture with logic. Torture, he argued, rewards the strong and condemns the weak: the robust villain endures the pain and walks free, while the frail innocent confesses and hangs. Voltaire, Bentham and the reformers of Europe carried the argument from salon to statute. Prussia restricted judicial torture in 1740, Austria abolished it in 1776, and France in 1788. By the nineteenth century, no civilised legal order defended torture openly; tyrants merely practised it in the dark.

Beccaria did not argue alone. Two centuries earlier Michel de Montaigne had called torture "rather a trial of patience than of truth", because the strong endure and the weak confess to anything. Beccaria's readers included an empress. In her *Nakaz* (Instruction) of 1767, Catherine the Great of Russia wrote: "The Usage of Torture is contrary to all the Dictates of Nature and Reason; even Mankind itself cries out against it, and demands loudly the total Abolition of it."[9] And Napoleon Bonaparte, hardly a sentimental man, ordered his chief of staff in Cairo on 11 November 1798 that "the barbarous custom of having men beaten who are suspected of having important secrets to reveal must be abolished", because the victims "say anything that comes into their mind and what they

---

[6] Brown v Mississippi, 297 US 278, 285 (1936).

[7] Langbein, Torture and the Law of Proof, above, Part II and Appendix of warrants.

[8] William Blackstone, Commentaries on the Laws of England, Book IV (1769), chapter 25.

[9] Catherine II, Nakaz (Instruction) to the Legislative Commission (1767), Article 123, in the English text of 1768.

think the interrogator wishes to know".[10] An absolute empress and a military dictator both understood what Uganda's security services still deny: torture produces fear, not facts.

1945 to 1984: the world writes it down

After Auschwitz, the nations wrote the prohibition into the foundations of the new order: Article 5 of the Universal Declaration of Human Rights (1948), the Geneva Conventions (1949), Article 7 of the ICCPR (1966), Article 5 of the African Charter (1981), and finally the Convention against Torture (1984), which made torture a crime of universal jurisdiction. The Rome Statute (1998) lists torture as both a crime against humanity and a war crime.

Africa wrote its own version. The African Commission on Human and Peoples' Rights adopted the Robben Island Guidelines in 2002 on the island where the apartheid State imprisoned Nelson Mandela. Guideline 9 answers in advance every excuse Kampala offers: "Circumstances such as state of war, threat of war, internal political instability or any other public emergency, shall not be invoked as a justification of torture, cruel, inhuman or degrading treatment or punishment."[11]

Uganda's dark archive

Uganda needs no foreign textbook to understand torture. Idi Amin's State Research Bureau turned the basements of Nakasero into abattoirs between 1971 and 1979. The years that followed brought the cells of Nile Mansions, the barracks of the Luweero war and the screening camps of the north. The National Resistance Movement took power in 1986 promising a "fundamental change" and created the Commission of Inquiry into Violations of Human Rights under Justice Arthur Oder to document what had gone before. The 1995 Constitution, with its Article 24 and its Article 44(a), was the nation's "never again" vow against torture.

This Paper measures that constitutional vow against the record. The word that recurs in that record, lately, is not *Nakasero* but *basement*. The man who uses that word is not Idi Amin but the Chief of Defence Forces of the Republic of Uganda, General Muhoozi Kainerugaba.

E. AFRICA'S TORTURE LEDGER

The defenders of the safe house sometimes say that the language of human rights is a foreign import. They say that the world must allow Africa to keep order in its own way. The history of torture in Africa answers them on both counts. Africa did not need Europe to teach it cruelty, any more than it needed Europe to teach it singing, poetry, mining or

[10] Napoleon Bonaparte, letter to General Berthier, 11 November 1798, Correspondance de Napoléon Ier, vol. 5, no. 3605.

[11] Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa, adopted by the African Commission on Human and Peoples' Rights, Resolution 61 (XXXII) 02 (2002), Guideline 9.

metalwork. Africa did not need Europe to teach it to condemn cruelty. Every African society examined below had its own torturers and its own critics. If Uganda is wary of foreign or imperialistic sentiments, it can root its stance against torture in African history.

PRE-COLONIAL ORDEAL, PUNISHMENT AND THE ISLAND

The poison ordeal. Across West and Central Africa and in Madagascar, communities made the accused, often a person suspected of witchcraft, drink a toxic preparation and judged him guilty if he died, or failed to vomit in the prescribed way: sasswood ("red water") in Liberia and Sierra Leone, the Calabar bean (*esere*) among the Efik, and *tangena* in Madagascar. Under Queen Ranavalona I (1828–61) the tangena ordeal killed many thousands, including Malagasy Christians, until King Radama II abolished it during his short reign (1861–63).

Akampene, the island of punishment. Uganda has its own place in this history. Among the Bakiga of Kigezi, a father or brothers who found an unmarried girl pregnant took her at night, sometimes bound, to a tiny island on Lake Bunyonyi called Akampene, "Punishment Island", and left her to die of hunger or drowning. Men who could not afford bride wealth rescued some of the girls and took them as wives; no one rescued many others. A girl left on an island to starve, by men acting under the authority of custom, for the purpose of punishment and intimidation, meets every element of the modern definition of torture except the official capacity of the torturer.

Twins. Among some Igbo and Efik communities in what is now south-eastern Nigeria, communities regarded twins as an abomination and abandoned them in clay pots in the "evil forest". Their communities often shunned the mothers. Popular memory credits the Scottish missionary Mary Slessor with ending the practice in Calabar. The historian David Imbua has shown that this erases the Efik reformers, above all King Eyo Honesty II, whom mid-nineteenth-century Europeans themselves recognised as the leader of abolition. In 1878 King Archibong of Calabar signed fifteen articles with the British consul, and twin-killing was among the practices they forbade.[12]

Royal power written on the body. In Buganda, the Kabakas kept a corps of executioners and fixed places of execution, and punished with mutilation and death. On 3 June 1886, at Namugongo, on the orders of Kabaka Mwanga II and under the chief executioner Mukajanga, executioners burned alive the young Christian converts now honoured as the Uganda Martyrs. In Asante, the king's executioners drove a knife, the *sepow*, through the cheeks of the condemned so that he could not curse the king before he died. In Dahomey, tradition held that builders had bound the walls of two funerary huts in King Ghezo's palace at Abomey with the blood of forty-one sacrificial victims. In

[12] David Lishilinimle Imbua, "Robbing Others to Pay Mary Slessor: Unearthing the Authentic Heroes and Heroines of the Abolition of Twin-Killing in Calabar", African Economic History 41 (2012) 139.

2024 a protein analysis of the wall cladding, published in the journal *Proteomics*, found human blood proteins in the binder.[13]

The record of cruelty in Africa is complicated. Eyo Honesty II, Radama II, the men who rowed to Akampene to rescue the girls, and the communities that built restorative traditions such as the Acholi practice of *mato oput* all show that African societies produced their own critics of cruelty long before the missionary and the treaty. Chinua Achebe made the same point in *Things Fall Apart* (1958): Obierika questions the killing of twins, and the elder Ezeudu warns Okonkwo, "**That boy calls you father. Do not bear a hand in his death**." Okonkwo kills Ikemefuna anyway, out of fear of seeming weak. That is the oldest motive of the torturer, and Achebe saw it in his own people.

Slavery: torture as a system of labour

The Atlantic slave trade was not merely accompanied by torture. It was torture. Read against Article 1 of the Convention against Torture, it meets every element: severe pain and suffering, physical and mental, intentionally inflicted, for the purposes of punishment, intimidation and coercion, and with the authority and consent of States.

The scale. Slavers embarked about 12.5 million Africans for the Americas, and some 10.7 million arrived alive. Some 1.8 million died in the Middle Passage, packed below decks in conditions that themselves amounted to torture.[14] In 1781 the crew of the Liverpool slave ship *Zong* threw some 130 captives overboard alive, and the owners then claimed for them under their insurance as lost cargo (*Gregson v Gilbert*, 1783).

The law of the lash. Legislators wrote slavery's cruelty into statute. The Barbados Act of 1661 authorised masters to punish and largely immunised them when an enslaved person died "under correction". France's Code Noir of 1685 provided in Article 38 that the authorities should cut off the ears of a runaway absent for a month and brand him with the fleur-de-lys, hamstring him for a second offence and put him to death for a third. In Charleston, South Carolina, the municipal workhouse whipped enslaved people for a fee on their owners' behalf. The State itself was the torturer's contractor.

The witnesses. Olaudah Equiano, kidnapped from what is now Nigeria, described in 1789 the Middle Passage and, in a Virginia kitchen, an enslaved woman cooking with an iron muzzle locked over her mouth. In 1839 the abolitionist Theodore Dwight Weld published ***American Slavery As It Is: Testimony of a Thousand Witnesses***, which drew much of its evidence of whipping, branding and mutilation from the slaveholders' own newspaper advertisements. It sold some 100,000 copies in its first year. Toni Morrison, in *Beloved* (1987), named slavery's true purpose: the power to take a person's whole self, "Not just work, kill, or maim you, but dirty you."

---

[13] Philippe Charlier, Jean Armengaud and others, metaproteomic analysis of the wall of King Ghezo's funerary hut at Abomey, Proteomics (2024).

[14] Trans-Atlantic Slave Trade Database, SlaveVoyages (estimates of embarkations and disembarkations).

The law catches up. An African court has already held that slavery is not merely history. In *Hadijatou Mani Koraou v Niger* (2008), the ECOWAS Court of Justice found that a man who bought a girl at the age of twelve for 240,000 CFA francs had held her in slavery, that the State had failed to protect her, and awarded her 10 million CFA francs.[15] The Durban Declaration of 2001 declared slavery and the slave trade a crime against humanity. In February 2025 the Assembly of the African Union characterised slavery, deportation and colonisation as crimes against humanity and genocide against the peoples of Africa, and on 25 March 2026 the United Nations General Assembly adopted a declaration naming the trafficking and racialised chattel enslavement of Africans the gravest crime against humanity.[16]

Colonial abolition, colonial torture

The colonial powers banned the poison ordeal, twin-killing and Akampene. Under the same flag they introduced torture of their own: the severed hands of the Congo Free State, the floggings of colonial labour, and the screening camps and detention "pipeline" of the Kenyan Emergency, which Ngũgĩ wa Thiong'o set at the heart of *A Grain of Wheat* (1967). Achebe recorded the method in *Things Fall Apart*. The District Commissioner invites six leaders of Umuofia to a meeting, has them handcuffed, and leaves them to his court messengers, who shave their heads, deny them food and whip them until the village pays a fine. The novel ends with the Commissioner planning a book called *The Pacification of the Primitive Tribes of the Lower Niger*. Ugandans who have seen the shaven head of Eddie Mutwe posted by the Chief of Defence Forces have seen that chapter before. The shaving of a captive's head is not a security measure. It is a colonial ritual of humiliation, and Achebe named it in 1958.

The liberator as gaoler: Nkrumah and the Preventive Detention Act

The most instructive African torture case is the story of a liberator who learned in a colonial cell how to build a post-colonial one.

On 22 January 1950 the British arrested Kwame Nkrumah for leading the "Positive Action" campaign of strikes and boycotts and imprisoned him in James Fort and Ussher Fort in Accra. He later recalled sharing a crowded cell with a single bucket for a latrine. While he was still in prison, his party won the general election of February 1951, and on 12 February the Governor released him to lead the government. It is the archetypal story of the cell turned into a platform.

Seven years later, as Prime Minister of an independent Ghana, Nkrumah's government enacted the Preventive Detention Act 1958, which allowed the detention of any person for up to five years without trial. In *Re Akoto and 7 Others* (28 August 1961) the Supreme Court, under Chief Justice Sir Arku Korsah sitting with Van Lare and Akiwumi JJSC,

[15] Hadijatou Mani Koraou v Republic of Niger, ECOWAS Court of Justice, Judgment No. ECW/CCJ/JUD/06/08, 27 October 2008.

[16] Durban Declaration (2001), paragraph 13; African Union Assembly decision of February 2025; United Nations General Assembly declaration of 25 March 2026 (A/80/L.48).

upheld the Act. It treated the President's declaration of fundamental principles as a political commitment rather than an enforceable bill of rights. It held that the executive's decision to detain on security grounds was not open to review by the courts.[17] The door to habeas corpus closed.

J. B. Danquah, the dean of Gold Coast nationalism and one of the "Big Six" whom the British had detained alongside Nkrumah in 1948, stood against him for the presidency in 1960 and lost. Nkrumah's government detained him under the Act in October 1961, released him in June 1962, detained him again on 8 January 1964, and held him in a cell at Nsawam Medium Prison with no bed or furniture other than a chamber pot. He died there of a heart attack on 4 February 1965, aged 69. His colleague Emmanuel Obetsebi-Lamptey had died in the same prison two years earlier. When Chief Justice Korsah's court acquitted three men accused of the 1962 Kulungugu bomb attack on the President, Nkrumah dismissed the Chief Justice in December 1963, had the acquitted men re-charged before a new court, and obtained death sentences, later commuted.

The parallel with Uganda needs no elaboration. The National Resistance Movement came to power in 1986 as a movement of former detainees and fighters against the State Research Bureau, promising a "fundamental change". The Constitution of 1995 answered *Re Akoto* in advance: Article 23(4)(b) requires every detainee to be brought before a court within forty-eight hours, and Article 44(d) makes habeas corpus non-derogable. Nkrumah's defenders still argue that preventive detention was a necessity against assassins. His critics answer that a 69-year-old lawyer who had stood against him for President was no bomb-thrower. Ghana released the detainees after the coup of 24 February 1966; Danquah's statue now stands at Danquah Circle in Accra. History remembered the prisoner.

F. THE VERDICT OF FAITH

Uganda is a nation of churches, shrines and mosques. Its leaders open Parliament with prayer, swear oaths on holy books and quote scripture at rallies. Every one of those holy books condemns what Uganda's safe houses do.

The Bible: the captive bears God's image

The Hebrew scriptures begin with the foundation of all human rights: *"So God created man in his own image"* (Genesis 1:27, King James Version). To break that image with pliers is to deface the Creator's signature. The Mosaic law, which permitted judicial flogging, nonetheless capped it at forty stripes, *"lest... thy brother should seem vile unto thee"* (Deuteronomy 25:3). Even ancient Israel understood that excessive pain degrades the punisher as much as the punished.

The prophets spoke more directly still. Isaiah defined true worship not as fasting but *"to loose the bands of wickedness... and to let the oppressed go free"* (Isaiah 58:6). Micah

[17] Re Akoto and 7 Others [1961] GLR 523 (Supreme Court of Ghana, 28 August 1961; Korsah CJ, Van Lare and Akiwumi JJSC).

reduced the whole of religion to three duties: to do justly, to love mercy, and to walk humbly with God (Micah 6:8). Proverbs commanded the righteous to open their mouths for the dumb and to plead the cause of the poor and needy (Proverbs 31:8–9).

The New Testament places the tortured prisoner at the centre of salvation. In the parable of the last judgement, Christ identifies himself with the captive: *"I was in prison, and ye came unto me"* (Matthew 25:36). The Epistle to the Hebrews instructs believers: *"Remember them that are in bonds, as bound with them"* (Hebrews 13:3). And the Gospels' central narrative is itself a torture narrative: an innocent man arrested at night, struck blindfolded, mocked by soldiers, scourged, crowned with thorns, paraded before the crowd and executed by the State. Every Ugandan Christian who watches a blindfolded prisoner mocked on social media has seen this scene before. He has read it every Good Friday.

The Passion repays a lawyer's reading. Crucifixion was a method of execution. Crucifixion was also a protocol of torture designed to prolong dying, maximise humiliation and broadcast a political message. Cicero called it "the most cruel and disgusting penalty". Rome reserved crucifixion chiefly for slaves, rebels and subject peoples. Read against Article 1 of the Convention, the Gospels record a complete sequence of State torture: a night arrest; a blow to the face of the prisoner during his first interrogation (John 18:22); scourging with the Roman flagellum (Mark 15:15); a whole cohort of soldiers assembled to mock him with purple and a crown of thorns (Mark 15:16–20); a forced march under the crossbeam; and six hours on the cross, where every breath required the condemned to push up on nailed feet. He died so quickly that Pilate "marvelled if he were already dead" (Mark 15:44), which tells us how far the scourging had already broken him. The *titulus* over the cross, "THE KING OF THE JEWS", was the message to a subject people. Every element is present: severe pain, intentionally inflicted, to punish and intimidate, by soldiers under the order of a Roman governor.

The Bible also contains the earliest recorded legal objection to interrogation by torture. In Jerusalem the Roman commander ordered that the apostle Paul "should be examined by scourging", to learn why the crowd accused him. As the soldiers bound him with thongs, Paul asked the centurion: "Is it lawful for you to scourge a man that is a Roman, and uncondemned?" The scourging stopped (Acts 22:24–29). Two arguments every Ugandan advocate makes at a habeas corpus hearing are in that sentence: the prisoner's legal status, and the absence of any conviction.

The scriptures are full of tortured prisoners. Pashhur the priest beat Jeremiah and put him in the stocks (Jeremiah 20:2), and the king's officials later lowered him into a muddy cistern to die (38:6). In 2 Maccabees 7, part of the Catholic and Orthodox canon, King Antiochus tortures a mother and her seven sons one by one to force them to break the law of their God; the king's men cut out the tongue of one, and each refuses. The Epistle to the Hebrews honours those who "were tortured, not accepting deliverance" (Hebrews 11:35). Rabbinic law drew the procedural conclusion: "no person may make himself out to be wicked" (Babylonian Talmud, Sanhedrin 9b), so that a defendant's own

confession could not convict him in a capital case. A legal system that will not convict on a confession has no reason to extract one.

The Church that tortured, and repented

The record of the Church is divided. In 866 Pope Nicholas I, answering questions from the newly converted Bulgarians, condemned the extraction of confessions by torture as contrary to divine and human law, and asked who bears the guilt when a man, unable to bear the pain, confesses to crimes he did not commit. Yet in the bull *Ad extirpanda* of 15 May 1252, Pope Innocent IV authorised the civil authorities to torture heretics into confessing and naming others, provided they did not kill them or break their limbs. The Inquisition followed. Today the Catechism of the Catholic Church teaches that torture to extract confessions, punish the guilty, frighten opponents or satisfy hatred "is contrary to respect for the person and for human dignity", and it confesses that the pastors of the Church once adopted the Roman law of torture in their own tribunals.[18] A Church that has admitted its own torturers can speak with authority to a State that denies its own.

The Qur'an and the Sunnah: honour and the forbidden torment

The Qur'an declares the dignity of every human being without condition: *"We have certainly honoured the children of Adam"* (Surah al-Isra, 17:70). It equates the unjust taking of one life with the slaying of all humanity (5:32) and praises the righteous who feed *"the poor, the orphan, and the captive"* out of love for God (76:8). The captive is a guest of conscience. He is not a punching bag.

The Prophetic tradition is explicit. Sahih Muslim (Hadith 2613) records that Hisham ibn Hakim found peasants in Syria made to stand in the sun as punishment. He rebuked the governor and reported the words of the Prophet Muhammad, peace be upon him: **Allah will torment those who torment people in this world**. The governor released the men. A Muslim official who tortures in Uganda today stands condemned by his own faith before any court convicts him.

The Qur'an condemns the torturing tyrant by name. Pharaoh, its archetype of arbitrary power, "afflicted you with the worst torment, slaughtering your sons" (2:49). When his own magicians turn to the faith of Moses, he threatens to cut off their hands and feet on opposite sides and to crucify them on the trunks of palm trees (7:124; 20:71); they refuse to recant, and the Qur'an honours them. Surah al-Buruj recalls the "companions of the trench", who cast believers into a pit of fire and sat at its edge to watch, for no offence but their faith, and passes judgement: "Indeed, those who have tortured the believing men and believing women and then have not repented will have the punishment of Hell" (85:10).

The Qur'an also anticipates the modern rule on coerced confessions. Verse 16:106 excuses the believer who renounces the faith under compulsion "while his heart is secure in faith". The commentators connect it to 'Ammar ibn Yasir, whom the Meccan

[18] Catechism of the Catholic Church, paragraphs 2297 and 2298.

Quraysh tortured until he spoke against the Prophet; his parents, Sumayya and Yasir, are, in Muslim memory, the first martyrs of Islam. When 'Ammar came to the Prophet in distress, the Prophet asked him how he found his heart, and he answered that it was firm in faith. Words extracted by torture do not bind the conscience. That is the scriptural cousin of Article 15 of the Convention against Torture and Section 14 of Uganda's Act, which exclude statements obtained by torture.

A second tradition forbids punishment by fire. When Ibn 'Abbas heard that Ali had burned some men, he said he would not have burned them, because the Prophet had said: "Do not punish with Allah's punishment."[19] Proportion governs even the punishment of an enemy: "if you punish, punish with an equivalent of that with which you were harmed. But if you are patient, it is better for those who are patient" (16:126). Classical jurists held that an accused may withdraw a confession to a fixed penalty at any time before the authorities carry out the penalty, and many treated a confession extracted by beating, imprisonment or threat as void.

Honesty requires mention of the hard texts as well. The Qur'an prescribes amputation for theft (5:38), flogging for unlawful sexual relations (24:2) and, for armed rebellion and banditry (*hirabah*), death, crucifixion, cross-amputation or exile (5:33). The United Nations Human Rights Committee and the Committee against Torture regard amputation and flogging as cruel, inhuman or degrading punishment, and Muslim jurists and reformers continue to debate how such penalties should be read, limited or suspended. But no reading of the Qur'an licenses what Uganda's safe houses do: the arbitrary torture of a suspect, without trial, to extract a confession or to punish his politics.

Two scriptures, one verdict

Read side by side, the Bible and the Qur'an converge where it matters for this Paper. Neither authorises torture to obtain a confession or information. Both rest punishment on judicial authority, witnesses and proof, and both traditions developed rules, the rabbinic bar on self-incrimination and the Islamic right to retract a confession, that remove the motive for forced confession. Both prescribe bodily penalties in their ancient law, and both temper them with proportion and mercy. And both tell their central stories from the side of the tortured: the cross, the Maccabean martyrs, the believers in the trench and 'Ammar in the Meccan sun. That choice is their strongest testimony against the torturer.

Other traditions

The Buddhist *Dhammapada* (verse 129, in Max Müller's 1881 translation) teaches: *"All men tremble at punishment, all men fear death; remember that you are like unto them."* Hinduism and Jainism build their ethics on *ahimsa*, non-harm. And the African philosophy of *ubuntu*, which Archbishop Desmond Tutu carried to the world, insists that a person is a person through other persons. My humanity, Tutu wrote, is bound up in

[19] Sahih al-Bukhari, no. 3017.

yours. The torturer, on this view, does not merely injure another. He amputates part of himself.

No faith practised in Uganda licenses torture. The torturer may pray, but his prayers cannot justify him.

G. SCOPE, METHOD AND DISCLOSURE

The Paper proceeds as follows. Part III sets out the constitutional provisions, Part IV the statutes, and Part V the treaties and standards that bind Uganda. Part VI presents the case record: fourteen files of torture in Uganda, the Ugandan jurisprudence, and the international and comparative decisions. Part VII is the commentary on the gap between the law and the practice. Part VIII sets out the remedies, Part IX the authorities, and Part X the templates. Part II is deliberately extensive. A practitioner who knows the history of torture, its motives and its critics argues the law with more force, and a reader who understands why the safe house exists is less likely to accept the excuses offered for it.

Facts are drawn from court rulings, statements of public officials, the reports of human rights organisations and the Ugandan and international press. Where a fact rests on the account of a survivor, a relative or a lawyer, the Paper says so. Where a perpetrator has described his own conduct in public, the Paper quotes him. Where the State has denied an allegation, this Paper records the denial.

The author has acted as counsel in several of the matters discussed, including for Kakwenza Rukirabashaija, Dr Stella Nyanzi, Hon. Francis Zaake, Anthony Odur, and Dr Kizza Besigye and Hajji Obeid Lutale. Where the Paper relies on those matters, it relies on the public record.

Most of the victims in Part VI are opposition politicians, their aides and supporters, journalists, writers and human rights defenders. That weighting reflects the record more than the practice. A political prisoner has lawyers, a family that goes to the press, and a court file; the ordinary suspect beaten for a confession in an upcountry police cell usually has none of these, and leaves little trace. The complaint figures in Part VII.D show that the police account for more torture complaints than any other institution. The files therefore document the political use of torture, which the State has made the most visible, and understate its everyday reach. They do not claim to account for every person tortured in Uganda.

PART III: CONSTITUTIONAL PROVISIONS

"Arrest them like humans not animals."

— Bart Katureebe CJ (2018)

The Constitution does not merely prohibit torture. It surrounds the prohibition with a system of guarantees, each of which the practices documented in this Paper violate.

A. ARTICLE 24: THE PROHIBITION

Article 24 provides that no person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment. The words "**any form**" exclude every euphemism the security services have used: "interrogation", "discipline", "adhabu", or the claim that a detainee was "beaten, not tortured". Beating detainees is torturing them.

B. ARTICLE 44: RIGHTS BEYOND DEROGATION

Article 44 provides that, notwithstanding anything in the Constitution, there shall be no derogation from four rights: freedom from torture and cruel, inhuman or degrading treatment or punishment (Article 44(a)); freedom from slavery or servitude (Article 44(b)); the right to a fair hearing (Article 44(c)); and the right to an order of habeas corpus (Article 44(d)). Every file in Part VI engages three of the four. A detainee whom agents torture in an ungazetted house, whom the State then tries on a confession extracted there, and whom it refuses to produce on a writ, suffers a violation of every protection the framers placed beyond the reach of Parliament and the Executive.

C. ARTICLE 23: PERSONAL LIBERTY

Article 23 requires the State to keep a detained person in a place authorised by law (Article 23(2)), to inform him of the reasons for his arrest, and to produce him in court within forty-eight hours (Article 23(4)). Article 23(5) entitles him to reasonable access to his next of kin, his lawyer and medical treatment, and Article 23(9) provides that the right to habeas corpus is inviolable and shall not be suspended. Torture in Uganda almost always begins with a breach of Article 23: an abduction, a detention in an unauthorised place and a denial of access. The guarantees of liberty are the first line of defence against torture, and their violation is its first step.

D. ARTICLE 28: THE FAIR HEARING

Article 28 guarantees a fair hearing and the presumption of innocence. A confession obtained by torture is not evidence of guilt but evidence of the State's crime. A trial that rests on it cannot be fair, and Article 44(c) forbids any derogation from that guarantee.

E. ARTICLES 20, 50 AND 221: DUTIES AND ENFORCEMENT

Article 20 binds every organ and agency of Government to respect, uphold and promote the rights in Chapter Four. Article 221 imposes the same duty expressly on the armed forces, the police, the prisons and the intelligence services. Article 50 entitles any person who claims that a fundamental right has been infringed or threatened to apply to a competent court for redress, including compensation, and allows any person or organisation to bring an action on behalf of another.

F. ARTICLES 51 TO 53: THE UGANDA HUMAN RIGHTS COMMISSION

Articles 51 to 53 establish the Uganda Human Rights Commission, empower it to investigate violations on its own initiative or on complaint, to visit places of detention, and, where it finds a violation, to order release, payment of compensation or any other lawful remedy.

G. ARTICLE 98: THE COMMANDER-IN-CHIEF

Article 98 makes the President the Commander-in-Chief of the Uganda Peoples' Defence Forces. Read with Article 221 and the doctrine of command responsibility in Section 10 of the Prevention and Prohibition of Torture Act, (Cap. 130), it places on the Commander-in-Chief a constitutional duty to prevent torture by the forces under his command, and to punish it when it occurs.

H. CRUEL, INHUMAN AND DEGRADING TREATMENT

The law treats torture as the apex of a pyramid. Below it lies cruel, inhuman or degrading treatment: conduct that humiliates, debases or causes suffering that falls short of torture's severity or lacks its purpose. The distinction matters for sentencing, not for legality. Both are forbidden absolutely by Article 24, and both are non-derogable under Article 44(a). Shaving a detainee's head to mock him, stripping him naked and publishing the photograph, or holding him blindfolded on a tiled floor may each, depending on purpose and severity, cross from the degrading into the torturous.

The Supreme Court has gone further. In *Attorney General v Salvatori Abuki*, Oder JSC read Article 24 disjunctively, as a shield against *"seven different conditions"*: torture, cruel treatment, cruel punishment, inhuman treatment, inhuman punishment, degrading treatment and degrading punishment. A victim who proves any one of them proves a violation, and then *"no question of justification can ever arise"*[20]. Part VI.B discusses the decision.

[20] *Attorney General v Salvatori Abuki* (Constitutional Appeal No. 1 of 1998) [1999] UGSC 7 (25 May 1999), https://ulii.org/akn/ug/judgment/ugsc/1999/7/eng@1999-05-25 (accessed 8 November 2026).

PART IV: STATUTE

"The use of torture is dishonourable."

— Lord Hoffmann, A v Secretary of State for the Home Department (No 2) [2005] UKHL 71

A. THE PREVENTION AND PROHIBITION OF TORTURE ACT, (CAP. 130)

Parliament gave the constitutional promise teeth in the Prevention and Prohibition of Torture Act, (Cap. 130). The Act improves on the Convention in one decisive respect: its definition in Section 2 reaches private persons as well as public officials, so a torturer cannot hide behind the claim that he acted in a private capacity. The Act then builds a complete architecture of accountability:

- **Act, omission and acquiescence.** Section 2 defines torture as any act or omission by which a person intentionally inflicts severe pain or suffering, whether physical or mental, and reaches the official who instigates, consents or acquiesces. The Second Schedule lists the acts that constitute torture; under item 2(c), *"confining a victim incommunicado, in a secret detention place or other form of detention"* is itself mental or psychological torture[21].

- **Absolute prohibition.** Section 3 forbids torture and refuses any justification drawn from war, emergency, instability or superior orders.

- **Criminal liability.** Section 4 punishes torture with imprisonment for fifteen years, a fine of 360 currency points, or both; Section 5 prescribes life imprisonment where aggravating circumstances exist, such as the use of a deadly weapon, the death of the victim, or torture of a person with a disability.

- **Command responsibility.** Section 10 makes a superior official liable for the torture committed by a subordinate where the superior knew, or consciously disregarded information which clearly indicated, that the subordinate was committing or about to commit torture, and failed to take the measures within his power to prevent it or to submit the matter for investigation and prosecution.

- **Accessories and concealment.** Section 8 punishes whoever assists, orders or supports torture, and Section 9 punishes, as an accessory after the fact, whoever helps a torturer escape punishment. The officer who falsifies a cell register or tells a family that its relative *"is not here"* commits an offence.

- **A duty on everyone to report.** Section 20 obliges every person who suspects that torture is being committed to report it, and Section 21 obliges the State to protect the person who reports.

[21] Prevention and Prohibition of Torture Act, (Cap. 130), https://ulii.org/akn/ug/act/2012/3 (accessed 8 November 2026).

- **Poisoned evidence.** Section 14 renders inadmissible any confession or information obtained by torture, save against the torturer himself.

- **No amnesty.** Section 23 denies amnesty to any person accused of torture.

The Act also permits a victim to institute a private prosecution. In 2023 the Constitutional Court dismissed a petition that sought to block the private prosecution of a former Inspector General of Police and other senior officers under the Act, confirming that the victim need not wait for the State to prosecute its own agents.[22] Because the Act defines torture to include acts by private persons, it reaches the unidentified "operatives" of the safe houses whether or not the State admits that they act for it.

B. THE HUMAN RIGHTS (ENFORCEMENT) ACT, (CAP. 12)

The Human Rights (Enforcement) Act, (Cap. 12) gives effect to Article 50. It allows any person to apply to a competent court for the enforcement of a Chapter Four right, requires the court to determine such an application expeditiously, and makes a public officer who violates a right personally liable for the violation, alongside the State.

Section 11(2) of the Act went further. Where, in any criminal proceedings, the court found that any of the accused person's non-derogable rights had been infringed, it required the court to declare the trial a nullity and acquit the accused. In June 2026 the Constitutional Court declared Section 11(2)(a), (b) and (c) unconstitutional to the extent that it required an acquittal without a determination of the charge. Part VI.B examines that decision.

C. THE JUDICATURE ACT, (CAP. 16)

Section 38 of the Judicature Act, (Cap. 16) empowers the High Court to issue the writ of habeas corpus. For a detainee held incommunicado, the writ is the only remedy that reaches the body before the torturer finishes his work. The Judicature (Habeas Corpus) Rules govern the procedure. The companion paper, *The Inviolable Writ: Habeas Corpus and Its Judicial Sabotage in Uganda*, examines the writ in detail.

D. THE EVIDENCE ACT, (CAP. 8)

The Evidence Act, (Cap. 8) excludes a confession caused by inducement, threat or promise, and restricts the use of confessions made to police officers. Section 14 of the Prevention and Prohibition of Torture Act, (Cap. 130) adds an absolute rule: no statement obtained by torture is admissible, save against the person accused of the torture.

---

[22] Carry your torture cross, court tells Gen Kayihura, https://www.monitor.co.ug/uganda/news/national/carry-your-torture-cross-court-tells-gen-kayihura-4344106 (accessed 31 October 2026).

E. THE PENAL CODE ACT, (CAP. 128) AND THE UGANDA PEOPLES' DEFENCE FORCES ACT, (CAP. 330)

Before and since 2012, prosecutors have often charged torturers, when they charge them at all, with assault or causing bodily harm under the Penal Code Act, (Cap. 128), offences that carry lighter sentences and erase the official character of the crime. The Uganda Peoples' Defence Forces Act, (Cap. 330), which Parliament amended in 2025 after the Supreme Court held the trial of civilians by military courts unconstitutional, again allows military courts to try civilians. A military court is the forum least likely to examine a civilian's complaint that soldiers tortured him.

F. THE POLICE ACT, (CAP. 324)

Section 25 of the Police Act, (Cap. 324) turns the magistrate's court into the first checkpoint against torture[23]. Section 25(1) requires the police to produce a suspect arrested without a warrant before a magistrate's court within forty-eight hours. Section 25(2) provides that where the police do not comply, any person may apply to the magistrate, *"who shall order his or her release unless charged"*. Section 25(3) then imposes the clearest statutory duty on any judicial officer in Uganda: *"Where a complaint of torture of a suspect in custody is made to a magistrate, the magistrate shall order an investigation into the allegation; and if the allegation is proved to be true, the magistrate shall order for the compensation, examination and treatment of the person affected at the expense of the State, and any person responsible for the torture shall be charged."* As Parliament enacted it in 1994, the provision allowed the magistrate to order only examination and treatment; in 2006 Parliament added compensation[24]. Part VII.I examines the duty in detail.

G. THE PRISONS ACT, (CAP. 325)

The Prisons Act, (Cap. 325) charges the Uganda Prisons Service with keeping every person lawfully detained in *"humane, safe custody"* (Section 4(a)) and with treating every prisoner with the respect due to his inherent dignity (Section 56(a)). Section 80(2) forbids officers to strip a prisoner naked, pour water into his cell, deprive him of food, or administer corporal punishment or torture. Section 40(1) makes a senior officer responsible where he knows, or should have known, that an officer under his command is using unlawful force and takes no action to prevent or report it. Section 57(3) forbids the officer in charge to admit a person who is "severely tortured and is in a bad health condition". Section 70(1) entitles a prisoner to complain to the officer in charge, and Section 109(1) empowers Visiting Justices to inspect every part of a prison and inquire into prisoners' complaints[25]. Part VII.H examines these duties.

---

[23] Police Act, (Cap. 324), Section 25, https://ulii.org/en/akn/ug/act/statute/1994/13/eng@2023-12-31 (accessed 8 November 2026).

[24] Police Act 1994 (as originally enacted), Section 25(4); Police (Amendment) Act, 2006 (Act No. 16 of 2006), Section 16(c).

H. THE MAGISTRATES COURTS ACT, (CAP. 19)

Section 42 of the Magistrates Courts Act, (Cap. 19) allows any person with reasonable and probable cause to lay a complaint before a magistrate. Once satisfied that the complaint discloses a prima facie offence and is not frivolous or vexatious, the magistrate *"shall draw up and shall sign a formal charge"*[26]. Section 12 of the Prevention and Prohibition of Torture Act, (Cap. 130) applies the same procedure to torture, and Section 12(8) allows the magistrate to postpone process and direct the police to investigate and report back. Where the police will not investigate their own and the Director of Public Prosecutions will not prosecute, this is the victim's road to the criminal court.

I. THE PREVENTION AND PROHIBITION OF TORTURE REGULATIONS, 2017

Nature and citation. The Minister responsible for justice made the Prevention and Prohibition of Torture Regulations, 2017 (Statutory Instrument No. 53 of 2017) under Section 24 of the Prevention and Prohibition of Torture Act, (Cap. 130), and the Government published them in Supplement No. 29 to the Uganda Gazette No. 58, Volume CX, of 13 October 2017.[27] The Minister's signature line bears the date 1 October 2016, which sits uneasily with the 2017 instrument number; the instrument is best cited by its number and gazette date. The Regulations are procedural, not substantive. They do not redefine torture, which remains defined in Section 2 of the Act and its Second Schedule. Their purpose is to supply the machinery through which the State enforces the absolute prohibition in Articles 24 and 44(a) of the Constitution and the Act: reporting, complaint, investigation, medical documentation, prosecution, exclusion of evidence, protection and redress.

Structure. The Regulations comprise three Parts and a Schedule of forms. Part I contains preliminary provisions, including definitions. The "Commission" is the Uganda Human Rights Commission, and a "relevant institution or body" includes the Inspectorate of Government, the Directorate of Public Prosecutions, the Directorate for Ethics and Integrity, the Uganda Peoples' Defence Forces, the Uganda Prisons Service and local councils. Part II governs complaints and investigation. Part III governs the reporting of torture and the protection of those who report it. The Schedule prescribes seven forms: the complaint (Form 1), notice of dismissal (Form 2), notice to assist in investigation (Form 3), the medical examination of a victim of torture (Form 4), the

---

[25] Prisons Act, (Cap. 325), https://ulii.org/en/akn/ug/act/2006/17/eng@2023-12-31 (accessed 8 November 2026).

[26] Magistrates Courts Act, (Cap. 19), Section 42, https://media.ulii.org/media/legislation/112869/source_file/51cfe7652d8ac1b2/1998-10.pdf (accessed 8 November 2026).

[27] Prevention and Prohibition of Torture Regulations, 2017 (S.I. No. 53 of 2017), https://chapterfouruganda.org/?jet_download=054479af12dfd6198622e4bb7a4dd35fe64e0891 (accessed 8 November 2026).

complaint on oath for a private prosecution (Form 5), the acknowledgement of a report (Form 6), and the complaint of victimisation or request for protection (Form 7).

A duty to investigate. Investigation is a duty, not a discretion. Under Regulation 4, the police, the Commission or any relevant institution with jurisdiction that suspects, or has reasonable grounds to suspect, that someone has committed an offence under the Act, must investigate it. Under Regulation 5(1), any person, whether the victim or not, may complain. Under Regulation 6(1), the receiving body "shall investigate every complaint to ascertain whether there is a prima facie case".

A twenty-one-day limit. Regulation 8(1) requires the investigating body to "investigate the allegations within twenty-one days from the date of the complaint". Regulation 16(2) imposes the same limit on reports of torture: the receiving body must investigate them "expeditiously" and in any case within twenty-one days. Where the Commission lacks the capacity or mandate to investigate, Regulation 16(3) requires it to refer the report to a competent authority or to the police within two working days.

Real investigative powers. Regulation 8(2) empowers investigators to enter places of detention and any other place where they suspect that torture has occurred or is occurring, to seize suspected weapons or other items, to refer the complainant for medical examination, and to compel evidence from any person. Regulation 8(4) requires a detailed investigation report, which the court, the Commission or any other institution may receive as evidence.

Standardised medical evidence. Regulation 8(3) requires the medical officer to record findings on Form 4, the "Medical Examination Form for the Victims of Torture". The medical officer's part of the form covers physical, mental or psychological, and pharmacological evidence. Because it records psychological injury as well as physical, Form 4 is the proper vehicle for documenting the mental torture listed in the Second Schedule to the Act, including incommunicado detention.

A universal duty to report. Regulation 11(1) restates the duty in Section 20 of the Act: a person who suspects, or has reasonable grounds to suspect, that a public official, or a person acting in an official or private capacity, is committing torture has a duty to report the suspicion to the police or the Commission. Where that is not possible, Regulation 11(2) permits a report to any relevant institution, which must forward it to the police or the Commission within five working days. A person may report orally or in writing (Regulation 12). The receiving officer must reduce an oral report to writing and read it back, and the reporter must certify it (Regulation 13); the receiving officer must then acknowledge receipt on Form 6.

Reporting made safe. The Regulations remove the usual obstacles to reporting by officials and fellow detainees. A person may report by electronic communication, and the receiving body must acknowledge the report by the same means (Regulation 14). A person may also report anonymously, without disclosing personal details (Regulation

15(1)). A victim, witness or reporter who fears for their life or property, or that of their family, may complain and seek the protection of the State using Form 7 (Regulation 19).

Reprisal and exposure are crimes. Regulation 18 makes it an offence to victimise a person reporting torture, and Regulation 2 defines victimisation broadly, to include intimidation and harassment. Regulation 20 makes it an offence to disclose unlawfully, directly or indirectly, the identity of a person reporting torture. Each offence is punishable by imprisonment for up to five years, a fine of up to 120 currency points, or both.

Private prosecution. Under Regulation 9, read with Section 12 of the Act, any person other than a public prosecutor or police officer may institute a private prosecution by complaint before a magistrate, on oath or supported by affidavit, using Form 5. Where a complainant is unable to make the complaint personally, the magistrate must record it in the presence of a person who understands the complainant. The private prosecution is the victim's path to the criminal court when the police and the Director of Public Prosecutions will not act.

Exclusion of torture evidence. Regulation 10 gives procedural effect to the exclusionary rule in the Act. Where a party alleges that the prosecution obtained evidence by torture, "the trial court shall order for a trial within a trial before the evidence is admitted". The rule is mandatory. A court that admits a challenged confession without holding a trial within a trial acts in breach of the Regulation.

Enforceable redress. Regulation 21 applies the Civil Procedure Act, with necessary modifications, to the execution of orders for restitution, compensation, rehabilitation or other payment made under Section 6 of the Act, whether by a court or by the Commission.

Gaps. The Regulations impose no separate duties on officers in charge of places of detention, and they do not set out what a court must do when an accused person or witness alleges torture or appears before it injured. Section 25(3) of the Police Act, (Cap. 324) fills the second gap. It requires a magistrate who receives a complaint of torture of a suspect in custody to order an investigation, and, if the investigation proves it, to order compensation, examination and treatment at the State's expense and the prosecution of those responsible.

Implementation. The weakness lies in practice, not in the text. In its concluding observations on Uganda in 2022, the UN Committee against Torture expressed concern at the reported non-implementation of the Regulations by the agencies they bind, including the Uganda Police Force, which continued to record cases of torture as assault under the Penal Code Act (then Cap. 120, now Cap. 128), rather than under the Act and on the prescribed forms.[28]

[28] UN Committee against Torture, Concluding observations on the second periodic report of Uganda (CAT/C/UGA/CO/2, adopted November 2022),

Significance for accountability. Read together, the Regulations leave no official with an excuse for silence or inaction. They oblige every person to report suspected torture, allow a junior officer or a fellow detainee to report anonymously or electronically, and make both reprisal and the exposure of a reporter criminal offences. They oblige investigating bodies to act within twenty-one days, with the power to enter places of detention and to document psychological as well as physical injury. They give victims a direct route to the criminal courts, and they require every trial court to test, before admitting it, any confession that the accused says the State extracted by torture. On paper, Uganda has a complete procedure. What it lacks is the will of the institutions bound by that procedure to use it.

https://actvuganda.org/download/catreports/INT_CAT_COC_UGA_50825_E.pdf (accessed 8 November 2026).

PART V: INTERNATIONAL TREATIES AND STANDARDS

"The torturer has become, like the pirate and slave trader before him, hostis humani generis."

— Filártiga v Peña-Irala, 630 F.2d 876 (2d Cir. 1980)

A. THE CONVENTION AGAINST TORTURE

Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) supplies the canonical text. It speaks of any act by which *"severe pain or suffering, whether physical or mental"* is intentionally inflicted for purposes such as obtaining information or a confession, punishment, intimidation or coercion, or for any reason based on discrimination, by or with the consent or acquiescence of a public official. Article 2(2) closes every escape route: no exceptional circumstance whatsoever, whether war, threat of war, internal instability or public emergency, may justify torture. Article 2(3) adds that an order from a superior officer is no defence. Uganda acceded to the Convention on 3 November 1986.

The Universal Declaration of Human Rights (Article 5), the International Covenant on Civil and Political Rights (Article 7) and the African Charter on Human and Peoples' Rights (Article 5) repeat the prohibition. Customary international law treats it as *jus cogens*: a peremptory norm from which no State may contract out and no statute may derogate.

Beyond the definition, the Convention requires each State Party to make torture a crime punishable by appropriate penalties (Article 4), to investigate promptly and impartially wherever there are reasonable grounds to believe torture has occurred (Article 12), to protect complainants and witnesses (Article 13), to provide redress and an enforceable right to fair and adequate compensation, including the means for as full a rehabilitation as possible (Article 14), and to exclude any statement made as a result of torture (Article 15).

B. OTHER BINDING INSTRUMENTS

(a) The International Covenant on Civil and Political Rights, to which Uganda acceded in 1995, prohibits torture in Article 7, guarantees liberty in Article 9 and requires that detainees be treated with humanity and respect in Article 10. Uganda has also accepted the First Optional Protocol, which allows individual communications to the Human Rights Committee.

(b) The African Charter on Human and Peoples' Rights prohibits torture and all forms of degradation in Article 5 and guarantees liberty in Article 6.

(c) The Rome Statute of the International Criminal Court, which Uganda ratified in 2002, lists torture as a crime against humanity under Article 7(1)(f) when

committed as part of a widespread or systematic attack on a civilian population, and as a war crime under Article 8.

(d) The Treaty for the Establishment of the East African Community commits Uganda, in Articles 6(d) and 7(2), to the rule of law and to the promotion and protection of human rights, and gives the East African Court of Justice jurisdiction to determine whether a Partner State has breached those commitments.

C. STANDARDS AND GUIDELINES

(a) The Robben Island Guidelines (2002) of the African Commission on Human and Peoples' Rights require States to criminalise torture, abolish secret and unofficial places of detention, keep a register of every detainee, and guarantee access to lawyers, doctors and relatives.

(b) General Comment No. 4 (2017) of the African Commission entitles every victim of torture to full redress: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

(c) The United Nations Standard Minimum Rules for the Treatment of Prisoners (2015), known as the Nelson Mandela Rules, prohibit torture and require medical examination of every prisoner on admission and the documentation of any sign of ill-treatment.

(d) The Istanbul Protocol, the United Nations manual on the effective investigation and documentation of torture, sets the standard for the medical and legal documentation on which the remedies in Part VIII depend.

PART VI: CASE LAW

> ***"As flies to wanton boys are we to the gods, / They kill us for their sport."***
>
> — William Shakespeare, King Lear, Act IV, Scene 1

This Part presents the case record in three sections: the files of torture in Uganda (A), the jurisprudence of Uganda's courts (B), and the international and comparative decisions (C).

A. THE FILES: THE LEDGER OF BODIES

Names give torture a face. The files below are drawn from court records, official statements and the Ugandan and international press. Where a fact rests on the survivor's own account or on a lawyer's statement, this Paper says so. Where the perpetrator has confessed in public, it quotes him. Files 9 to 13 concern events of 2025 and 2026, and each opens with a short note stating the status of the evidence on which it rests: a court order, sworn evidence, the perpetrator's own words, or a survivor's account.

File 1: Dr Kizza Besigye: the hammer and the pepper spray (2011 and 2026)

On 28 April 2011, at the height of the Walk-to-Work protests, police officer Gilbert Arinaitwe Bwana intercepted Dr Besigye's vehicle at Mulago roundabout, smashed the window and drenched his eyes with pepper spray at point-blank range, as television cameras rolled[29]. Operatives then dragged the former presidential candidate face-down onto the back of a police pick-up. When he appeared before the Nabweru Chief Magistrate the next day, his head had swollen and he could not see; the magistrate released him without charge[30]. The family flew him to Nairobi Hospital, where he sat in a wheelchair behind dark glasses to shield his damaged eyes.

Even the Prime Minister's wife protested. Jacqueline Mbabazi later recalled telling the President, *"We do not want a police state here"*[31]. The State's answer came years later: it promoted Bwana, from Assistant Superintendent to Superintendent of Police[32]. The lesson to every officer was unmistakable.

---

[29] Besigye calls for calm, https://www.monitor.co.ug/uganda/news/national/besigye-calls-for-calm-1490920 (accessed 31 October 2026).

[30] Unmasking Besigye's tormentor, https://www.monitor.co.ug/uganda/news/national/unmasking-besigye-s-tormentor-1490740 (accessed 31 October 2026).

[31] Besigye torture was wrong, says Ms Mbabazi, https://www.monitor.co.ug/uganda/news/national/besigye-torture-was-wrong-ms-mbabazi-1568954 (accessed 31 October 2026).

[32] Besigye tormentors reap big in promotions, https://www.africa-press.net/uganda/?p=35192 (accessed 31 October 2026).

In November 2024, agents abducted Dr Besigye in Nairobi and forcibly returned him to Uganda, where the State charged him with treason.

On 29 July 2026, after the State had detained his lead counsel Erias Lukwago and deported his other lead counsel Martha Karua, Dr Besigye protested in the High Court against a trial conducted by lawyers he had not chosen, and collapsed in the dock. His wife, Winnie Byanyima, said he had cried out that guards were injuring him before he fell, and that in the intensive care unit at Mulago he was *"unresponsive even to a pain stimulus"*[33]. The court did not allow his sister and personal physician, Dr Olive Kobusingye, to examine him. No public inquiry has established the cause of the collapse. By October 2026, associates reported that the 70-year-old was in therapy to learn to speak and walk again[34]. Fifteen years after Bwana's pepper spray, the State still holds the man, and is still breaking him.

File 2: The Kaweesi suspects: Mbazira and 21 others at Nalufenya (2017)

After gunmen assassinated Assistant Inspector General of Police Andrew Felix Kaweesi, his bodyguard and his driver at Kulambiro on 17 March 2017, security agencies swept up dozens of suspects and held them at Nalufenya, a police facility in Jinja that became a byword for torture. On 5 May 2017, thirteen suspects limped into Nakawa Magistrates' Court, three of them half-naked with open wounds on their chests and arms, and told the magistrate that their captors had tortured them and kept them handcuffed around the clock[35]. The magistrate replied that he had no jurisdiction over their complaints. Section 25(3) of the Police Act, (Cap. 324), examined in Part VII.I, told him otherwise.

Twenty-two of the suspects, led by Abdu Rashid Mbazira, applied to the High Court for the enforcement of their rights[36]. They told the court that soldiers had arrested them violently at their homes, held them unlawfully in military custody, and then delivered them to Nalufenya instead of to the prison to which the Nakawa court had remanded them. They described systematic beatings, electric shocks and submersion in water[37].

Justice Margaret Oguli-Oumo did not take the allegations at face value. She ordered doctors from the African Centre for Treatment and Rehabilitation of Torture Victims to examine the applicants independently[38]. When the security agencies refused the doctors access to some of them, she drew the obvious inference: *"If they didn't torture them, why*

[33] Besigye unconscious in intensive care, https://clubofmozambique.com/news/detained-ugandan-opposition-figure-is-unconscious-in-intensive-care-his-wife-says/ (accessed 31 October 2026).

[34] Besigye learning to speak and walk again, https://allafrica.com/stories/202610210417.html (accessed 31 October 2026).

[35] Tortured Kaweesi murder suspects limp to court, https://www.monitor.co.ug/uganda/news/national/video-tortured-kaweesi-murder-suspects-limp-to-court-1699790 (accessed 31 October 2026).

[36] *Abdu Rashid Mbazira & 21 Others v Attorney General*, High Court (Civil Division) Miscellaneous Application No. 0210 of 2017, ruling of Oguli-Oumo J, 12 October 2017.

[37] Kaweesi murder: Court orders government to pay Shs 1.7 billion to tortured suspects, https://nilepost.co.ug/news/1631/kaweesi-murder-court-orders-government-to-pay-shs-1-7-billion-to-tortured-suspects (accessed 8 November 2026).

did they refuse to allow the doctors" to see them[39]? She also trusted her own eyes. *"Court got a chance to see you when you were brought to court. Some were using sticks to support themselves; others were limping"*, she said, describing injuries they did not have when soldiers arrested them[40]. In her words: *"They were arrested when they were well but now have various physical challenges."*[41]

On 12 October 2017 the judge found that officers of both the Uganda Police Force and the Uganda Peoples' Defence Forces had tortured the applicants and subjected them to cruel, inhuman and degrading treatment[42]. She ordered the Government to pay each of the 22 applicants Shs80 million, with interest at 20 per cent from the date of the ruling until payment[43]. She ordered treatment for every wound the torture had caused, and directed the African Centre to file monthly reports with the court on the applicants' medical condition[44]. She refused to release them, because they still faced a charge of murder: *"The applicants are still suspects until proven guilty. And therefore should be treated well without torturing them."*[45]

The aftermath showed the limits of the remedy. When the Nakawa court granted some of the suspects bail in November 2017, security operatives rearrested several of them outside the court, and their relatives had to return to the High Court for writs of habeas corpus[46]. Years later, the defence was still invoking the torture finding of October 2017

[38] Court orders torture tests on Kaweesi murder suspects, https://www.monitor.co.ug/uganda/news/national/court-orders-torture-tests-on-kaweesi-murder-suspects-1712172 (accessed 31 October 2026).

[39] Cost of torturing Kaweesi suspects rises above Shs1.7b, https://www.monitor.co.ug/uganda/news/national/cost-of-torturing-kaweesi-suspects-rises-above-shs1-7b-1891432 (accessed 8 November 2026).

[40] Cost of torturing Kaweesi suspects rises above Shs1.7b, https://www.monitor.co.ug/uganda/news/national/cost-of-torturing-kaweesi-suspects-rises-above-shs1-7b-1891432 (accessed 8 November 2026).

[41] Kaweesi murder: Court orders government to pay Shs 1.7 billion to tortured suspects, https://nilepost.co.ug/news/1631/kaweesi-murder-court-orders-government-to-pay-shs-1-7-billion-to-tortured-suspects (accessed 8 November 2026).

[42] Suspects accused of murdering former AIGP to be compensated, 12 October 2017, https://www.kfm.co.ug/?p=31856; Kaweesi murder suspects to get Sh80 million compensation, https://independent.co.ug/tortured-kaweesi-murder-suspects-get-80-million-shillings (accessed 8 November 2026).

[43] Kaweesi murder suspects to be given Shs80m over torture, https://www.monitor.co.ug/uganda/news/national/kaweesi-murder-suspects-to-be-given-shs80m-over-torture-1721824 (accessed 31 October 2026).

[44] Suspects accused of murdering former AIGP to be compensated, 12 October 2017, https://www.kfm.co.ug/?p=31856; Kaweesi murder suspects to get Sh80 million compensation, https://independent.co.ug/tortured-kaweesi-murder-suspects-get-80-million-shillings (accessed 8 November 2026).

[45] Uganda court orders govt to compensate murder suspects for torture, 12 October 2017, https://www.theeastafrican.co.ke/tea/news/east-africa/uganda-court-orders-govt-to-compensate-murder-suspects-for-torture-1375248 (accessed 8 November 2026).

[46] Kaweesi murder suspects granted bail, two re-arrested, 7 November 2017, https://eagle.co.ug/2017/11/07/kaweesi-murder-suspects-granted-bail-two-re-arrested/; High Court

in the International Crimes Division, where the trial of the remaining accused continued[47]. The State paid; no officer stood trial for the torture.

File 3: Geoffrey Byamukama, Mayor of Kamwenge: the knees and the iron bar (2017)

Geoffrey Byamukama, LC III Chairperson of Kamwenge Town Council and for fifteen years a local leader of the ruling National Resistance Movement, never faced a charge. Yet he became the most visible victim of the Kaweesi investigation. His wife said that on the day of the killing he sat in a council meeting in Kamwenge[48].

On 5 April 2017, men who identified themselves as police officers seized his phone outside the Ministry of Lands offices on Parliament Avenue, Kampala, and forced him into a waiting van[49]. In the van they pulled a black polythene bag over his head and slapped his ears. They told him that if he wanted to survive he should confess that he had taken part in the killing of Kaweesi, and that he had sold land and knew where the money was. At a building in Kampala he could not identify, they handcuffed him, tied his legs together and beat his knees and ankles again and again with batons and an iron bar. He cried, sweated, urinated in his clothes and lost consciousness[50]. His captors then took him to Nalufenya.

For more than a month his family did not know where he was. His phones went silent. His wife reported his disappearance to the police, the area Member of Parliament and the Resident District Commissioner, and relatives searched police cells in Kampala without finding him[51]. That was incommunicado detention of exactly the kind that item 2(c) of the Second Schedule to the Prevention and Prohibition of Torture Act, (Cap. 130) lists as mental or psychological torture.

When photographs leaked in May 2017, they showed deep open wounds on his kneecaps. *The Independent* wrote that the wounds looked as if someone had drilled and scooped out chunks of flesh[52]. Byamukama told Members of Parliament that he had deep holes in his knees, full of pus and ringed by dead skin, and that at Nakasero Hospital he overheard a doctor say that if the worst came to the worst, the surgeons

asked to order Govt to produce Kaweesi suspects, https://independent.co.ug/tag/suspects/page/3 (accessed 8 November 2026).

[47] Watchdog Uganda, https://watchdoguganda.com/?p=143932 (accessed 8 November 2026).

[48] Police torture mayor over Kaweesi killing, https://www.monitor.co.ug/uganda/news/national/police-torture-mayor-over-kaweesi-killing-1700762 (accessed 8 November 2026).

[49] Kaweesi death: Police officers arrested over torturing suspects, https://www.monitor.co.ug/uganda/news/national/kaweesi-death-police-officers-arrested-over-torturing-suspects-1701050 (accessed 8 November 2026).

[50] Byamukama: How I was tortured, 5 June 2017, https://independent.co.ug/geoffrey-byamukama-tortured (accessed 8 November 2026).

[51] Police torture mayor over Kaweesi killing, https://www.monitor.co.ug/uganda/news/national/police-torture-mayor-over-kaweesi-killing-1700762 (accessed 8 November 2026).

[52] Nalufenya: Tortured mayor and others, https://independent.co.ug/nalufenya-tortured-mayor-and-others (accessed 8 November 2026).

would amputate his legs[53]. The police paid for his treatment[54]. A State does not pay the hospital bills of a man whose injuries it did not cause.

While his wounds were still open, the police removed him from hospital, returned him to Nalufenya, and blocked his relatives from seeing him[55]. The Speaker of Parliament sent the Human Rights Committee to Nalufenya, and on 19 May 2017 its members interviewed him there[56]. He lodged a complaint with the Uganda Human Rights Commission, which visited Nalufenya and found that the suspects, including Byamukama, had suffered torture[57]. Prosecutors charged four police officers before the Chief Magistrate's Court at Buganda Road with torture contrary to Section 4 of the Prevention and Prohibition of Torture Act, (Cap. 130) and causing grievous harm contrary to Section 219 of the Penal Code Act (then Cap. 120; now Section 202 of Cap. 128)[58]. The officers pleaded not guilty and the court released them on bail[59]; no conviction has followed. The photographs of his septic wounds provoked the President's first letter on torture, discussed in Part VII.C.

Byamukama himself remained in police custody for about five months, until the police released him on bond on 9 September 2017, still without any charge[60]. He sued the Government for Shs8 billion. In March 2022 the police announced that they had settled the claim out of court for Shs1.4 billion, because the evidence, including the photographs, made defeat in court likely[61]. The State paid; the torturers did not.

---

[53] Byamukama: How I was tortured, 5 June 2017, https://independent.co.ug/geoffrey-byamukama-tortured (accessed 8 November 2026).

[54] Statement of the police spokesperson, Asan Kasingye, May 2017, as reported in The Observer (Uganda).

[55] Tortured Kamwenge mayor from hospital, back to Nalufenya, https://www.monitor.co.ug/uganda/news/national/tortured-kamwenge-mayor-from-hospital-back-to-nalufenya-1701022; Torture: Police block mayor's relatives from accessing him, https://www.monitor.co.ug/uganda/news/national/torture-police-block-mayor-s-relatives-from-accessing-him-1701258 (accessed 8 November 2026).

[56] Byamukama: How I was tortured, 5 June 2017, https://independent.co.ug/geoffrey-byamukama-tortured (accessed 8 November 2026).

[57] Kamwenge Mayor torture case opened at UHRC, https://www.monitor.co.ug/uganda/news/national/kamwenge-mayor-torture-case-opened-at-uhrc–1702704; Kamwenge Mayor released from police custody after five months, https://monitor.co.ug/uganda/news/national/kamwenge-mayor-released-from-police-custody-after-five-months–1717512 (accessed 8 November 2026).

[58] Four policemen remanded over torture of Kamwenge mayor, https://www.monitor.co.ug/uganda/news/national/four-policemen-remanded-over-torture-of-kamwenge-mayor-1703108 (accessed 31 October 2026).

[59] Officers accused of torturing Kamwenge Mayor produced in court, 26 May 2017, https://kfm.co.ug/officers-accused-of-torturing-kamwenge-mayor-produced-in-court; Kamwenge Mayor Byamukama torture suspects granted bail, 30 May 2017, https://eagle.co.ug/2017/05/30/kamwenge-mayor-byamukama-torture-suspects-granted-bail/ (accessed 8 November 2026).

[60] United States Department of State, *Country Report on Human Rights Practices 2017: Uganda*, https://www.ecoi.net/de/dokument/357064 (accessed 8 November 2026).

[61] Kaweesi murder: Tortured Kamwenge mayor awarded Shs1.4bn in compensation, 3 March 2022, https://nilepost.co.ug/2022/03/03/kaweesi-murder-tortured-kamwenge-mayor-awarded-shs1-4bn-

File 4: Dr Stella Nyanzi: the poet in the cell (2017 to 2021)

The State arrested Dr Stella Nyanzi, academic, feminist and poet, in April 2017 for Facebook posts mocking the President. The UN Working Group on Arbitrary Detention later found that the Computer Misuse Act served merely as a *"legal veneer"* for her unjustified detention[62]. While she sat in Luzira, the State sought to subject her to a forced psychiatric examination; her lawyer warned that the attempt could amount to torture. In February 2021 she fled to Kenya, alleging that men had abducted her partner, David Musiri, after the elections, held him in an unmarked facility and tortured him, including by squeezing his genitals[63].

In November 2018 the State jailed her again, this time over a birthday poem. On 4 January 2019, on remand in Luzira, she suffered a miscarriage. Her lawyers told the Uganda Human Rights Commission that the prison denied her access to her antenatal card and medical records and to her private doctor, and asked for urgent post-abortal care[64]. A friend who visited her said she bled for close to three hours before anyone gave her medical attention[65]. Denying medical care to a detainee in that condition is itself a recognised form of cruel and inhuman treatment.

After her 2021 flight to Kenya, PEN Germany accepted Dr Nyanzi in January 2022 into its Writers-in-Exile programme, and she moved to Germany with her three children[66]. As she left, she wrote that she feared persecution, arrest and torture if she stayed[67]. Uganda's poet of defiance now writes from exile, like its satirist.

File 5: Bobi Wine and the Arua 33 (2018 and 2020)

On 13 August 2018, during the Arua Municipality by-election, soldiers of the Special Forces Command stormed the hotel where opposition politicians were staying. They shot dead Yasin Kawuma, Bobi Wine's driver, in the passenger seat where Bobi Wine usually sat. They arrested 33 people and the State charged them with treason.

In his first public account, Robert Kyagulanyi Ssentamu said soldiers beat him with an iron bar, punched and kicked him, struck him with pistol butts and pulled his ears with

---

in-compensation/ (accessed 8 November 2026).

[62] RFK Human Rights wins Stella Nyanzi case, https://rfkhumanrights.org/rfk-human-rights-wins-stella-nyanzi-case (accessed 31 October 2026).

[63] Stella Nyanzi flees to Kenya, https://abc17news.com/news/national-world/2021/02/08/alleging-her-partner-was-abducted-and-tortured-ugandan-activist-stella-nyanzi-flees-to-kenya/ (accessed 31 October 2026).

[64] Nyanzi petitions UHRC over miscarriage, https://www.monitor.co.ug/uganda/news/national/nyanzi-petitions-urhc-over-her-miscarriage--1801822 (accessed 31 October 2026).

[65] Nyanzi suffers miscarriage in prison, https://nairobinews.nation.africa/?p=141281 (accessed 31 October 2026).

[66] Stella Nyanzi, https://en.wikipedia.org/wiki/Stella_Nyanzi (accessed 31 October 2026).

[67] Stella Nyanzi flees for safety to Germany, https://76crimes.com/2022/01/21/stella-nyanzi-ugandan-lgbt-ally-flees-for-safety-to-germany/ (accessed 31 October 2026).

"something like pliers"[68]. He said they squeezed his genitals until he lost consciousness, and that a radiologist told him the beating had damaged one of his kidneys[69]. He appeared before the court on crutches. In November 2020, minutes after the Electoral Commission nominated him as a presidential candidate, police dragged him into a van; he later said officers placed hot metal in his hands and left him with scars.

File 6: Francis Zaake: Arua (2018) and the COVID-19 lockdown (2020)

Francis Zaake, Member of Parliament for Mityana Municipality, suffered worse at Arua. Unknown men dumped him, almost lifeless and bleeding from fresh wounds, at the gate of Rubaga Hospital in Kampala, about 450 kilometres from Arua[70]. The chairperson of the Uganda Human Rights Commission found him in intensive care with injuries to his head, arms and legs[71]. Zaake launched a private prosecution against six police officers; the Director of Public Prosecutions took it over[72].

On 19 April 2020, during the first COVID-19 lockdown, a combined detail of police and soldiers arrested him again at his home in Mityana, for distributing food to constituents whom the lockdown had left hungry. In his sworn evidence before the High Court, Zaake said that when he asked for the warrant of arrest, and whether anyone had sent it to Parliament, the Wamala Regional Police Commander struck him in the ribs with what appeared to be a radio handset and kicked him in the leg. Later, with his hands in cuffs, he heard the same commander tell an officer to *"make sure he doesn't see"*. The commander handed two cans of an unknown chemical to his officers, who sprayed it into Zaake's eyes. He felt intense pain and itching and lost his sight; a health centre later referred him for *"ophthalmologist review due to failure to open his eyes for a week"*. On the commander's orders, officers grabbed his legs, dragged him to a police truck, chained his legs together, tied his hands with a rope, lifted him by the chain and the rope, and threw him under the seats at the back of the truck[73]. His captors called Robert Kyagulanyi a dog, told him to call his King, the Kabaka, and taunted him: *"you Baganda are a problem here and you think you will ever rule this Country; we are going to teach you a lesson."*[74] Witnesses told Human Rights Watch that when he reached court a week

[68] Bobi Wine statement, https://edition.cnn.com/2018/09/03/africa/uganda-bobi-wine-statement (accessed 31 October 2026).

[69] Bobi Wine recounts torture, https://www.aljazeera.com/news/2018/9/3/bobi-wine-recounts-torture-by-ugandan-soldiers (accessed 31 October 2026).

[70] MP Zaake, the man who has faced death countless times, https://monitor.co.ug/uganda/magazines/people-power/mp-zaake-the-man-who-has-faced-death-countless-times-3657552 (accessed 31 October 2026).

[71] Urgent Action on Arua detainees, https://www.amnestyusa.org/wp-content/uploads/2018/09/uaa15418.pdf (accessed 31 October 2026).

[72] The Independent, https://independent.co.ug/tag/torture-case (accessed 31 October 2026).

[73] *Zaake v Attorney General & 7 Others* (Miscellaneous Cause No. 85 of 2020) [2021] UGHCCD 269 (9 August 2021), pp. 15 to 16, summarising paragraphs 7, 15, 20 and 21 of the Applicant's affidavit.

[74] *Zaake v Attorney General* (above), pp. 26 to 27.

later, he could not walk and struggled to breathe[75]. Bobi Wine told a press conference that the police had tortured Zaake at each place they held him; the police denied it, and Zaake reached court on a stretcher[76].

For ten days the State moved him between Mityana Police Station, the Chieftaincy of Military Intelligence at Mbuya, the Special Investigations Division at Kireka and two hospitals. On 27 April 2020 the Nakawa Chief Magistrates Court ordered the State to release or charge him. The State produced him before the Chief Magistrate at Mityana, who declined to take his plea and directed that he receive medical treatment, and the police released him on bond on 29 April[77]. Before Parliament, a Minister denied that anyone had tortured him. In court, the State said he had walked to the police pick-up untouched. Its own Commandant at Kireka undid the denial: he swore that he had seen bruises on Zaake's wrists and forehead, and State counsel conceded that *"some beatings or torture could have occurred"* at Mityana[78].

On 9 August 2021 Justice Esta Nambayo found the torture proved. She compared the video of his arrest, in which he had *"sound sight and was not in pain"*, with the video of his hospitalisation, in which he lay with his eyes closed in pain and injuries all over his body, and held that the evidence left her *"no other option but to arrive at a conclusion that the injuries inflicted on the Applicant were sustained while the Applicant was in Police custody"*[79]. Applying Oder JSC's reading of Article 24 in *Abuki*, she declared that the infliction of pain and injury on him infringed his rights to dignity and to freedom from torture, declared his ten-day detention unlawful, and ordered the Attorney General to pay him Shs75 million. She held that the officers were *"rightly sued personally"* under Section 10(1) of the Human Rights (Enforcement) Act, (Cap. 12), yet found none of them personally liable, because the evidence did not show which officer did what[80]. That reasoning overlooks how custodial torture works: the commander gives the order and others carry it out, and Section 10(1) reaches an officer who violates rights *"in association with others"* or who *"participates in the violation"*. An officer who orders a detainee blinded with chemicals participates as surely as the officer who holds the can.

File 7: Kakwenza Rukirabashaija: the novelist and the pliers (2020 and 2021 to 2022)

The State first detained the novelist Kakwenza Rukirabashaija in April 2020 over his satire *The Greedy Barbarian*. In October 2024 Justice Boniface Wamala of the High Court found that security agents beat, kicked, blindfolded and dragged him while

[75] Opposition leader reported tortured by police, https://www.hrw.org/news/2020/04/28/uganda-opposition-leader-reported-tortured-police (accessed 31 October 2026).

[76] Bobi Wine accuses police of torturing Zaake, https://africanews.com/2020/04/28/uganda-s-bobi-wine-accuses-police-of-torturing-ally-mp (accessed 31 October 2026).

[77] *Zaake v Attorney General* (above), pp. 5, 7 and 21 to 24.

[78] *Zaake v Attorney General* (above), pp. 16 to 17.

[79] *Zaake v Attorney General* (above), pp. 19 to 20.

[80] *Zaake v Attorney General* (above), pp. 13, 20 to 21 and 33 to 34.

handcuffed, and held him for seven days in breach of the 48-hour rule. The judge called the agents' conduct *"unconstitutional, oppressive, and arbitrary"* and awarded Shs50 million[81].

On 28 December 2021, Special Forces Command officers cut their way into his Kisaasi apartment over tweets mocking the President and his son, and held him incommunicado for fourteen days[82]. On his release he showed the world a back crossed with welts. He told the Daily Monitor that his captors *"plucked flesh from my thighs and everywhere"* with pliers[83]. He described how his captors forced him to dance through the night carrying weights, made him sleep on floors soaked with water, and injected him with unknown substances every six hours. The PEN Pinter Prize laureate fled to Germany, where he wrote *Banana Republic: Where Writing is Treasonous*. His Ugandan advocates filed a reference against the State in the East African Court of Justice.

The Uganda Human Rights Commission, visiting him on 17 January 2022, recorded visible scars and healing wounds. After he escaped to Germany, he told AFP that doctors had diagnosed kidney damage, bruised ribs and post-traumatic stress disorder[84]. In October 2026 *The New York Times* published his allegation that General Muhoozi visited him in detention, ordered him to undress and later offered him a bribe to stay silent. The army's spokesman, Col Chris Magezi, replied that the General had never met Kakwenza and called the writer a known teller of fiction[85].

File 8: Anthony Odur and four human rights defenders: the drones at lunch (December 2020)

On 22 December 2020, weeks before the general election, five human rights defenders sat at lunch at Lamaro Restaurant in Kamwokya, Kampala: the lawyer Anthony Odur, the human rights lawyers Nicholas Opiyo, Herbert Dakasi and Simon Peter Esomu Obure, and the human rights officer Hamid Tenywa. They had met to share information about the killings of protesters on 18 and 19 November 2020[86].

At least ten armed men in plain clothes, helmets and bulletproof vests arrived and ordered them to surrender their car keys, electronic equipment and phones. The men

---

[81] Court awards Kakwenza Shs50m for torture, https://monitor.co.ug/uganda/news/national/court-awards-kakwenza-shs50m-for-torture-4801360 (accessed 31 October 2026).

[82] Ensure justice for detained, tortured author, https://www.hrw.org/news/2022/02/11/uganda-ensure-justice-detained-tortured-author (accessed 31 October 2026).

[83] US, EU raise alarm over alleged torture, https://cfjctoday.com/?p=899809 (accessed 31 October 2026).

[84] Kakwenza arrives in Germany, https://africanews.com/2022/02/23/author-who-fled-uganda-after-torture-arrives-in-germany// (accessed 31 October 2026).

[85] UPDF denies Muhoozi ever met Kakwenza, https://nilepost.co.ug/news/376965/updf-denies-muhoozi-ever-met-kakwenza-rejects-new-york-times-abuse-allegations (accessed 31 October 2026).

[86] Human Rights Watch, *"I Only Need Justice": Unlawful Detention and Abuse in Unauthorized Places of Detention in Uganda* (22 March 2022), https://www.hrw.org/report/2022/03/22/i-only-need-justice/unlawful-detention-and-abuse-unauthorized-places-detention, text at note 148 (accessed 8 November 2026).

confiscated their documents, money, laptops and phones, handcuffed all five and bundled them into two waiting "drones": Dakasi, Obure and Odur in one, Opiyo and Tenywa in the other. Inside the vans the men blindfolded and beat them. *"They would punch around the ribs and the back"*, Obure said. *"They slapped you on the cheeks. They would just beat us and call us criminals."*[87] The author, who reached Odur in custody as his counsel, found him in pain from blows to his head, chest and back.

The men drove them to the police Special Investigations Division at Kireka, where officials denied them access to lawyers and family for a day, and demanded that Obure and Odur reveal the passwords to their phones. They refused[88]. The police released Odur, Obure, Dakasi and Tenywa on bond on 24 December 2020, without charge; almost a year later the officials had still not returned their belongings. The same day the State charged Opiyo with laundering US$340,000 received by Chapter Four Uganda; a court granted him bail on 30 December, and on 13 September 2021 the Director of Public Prosecutions withdrew the charge[89]. Blindfolding is an act of mental torture listed in the Second Schedule to the Prevention and Prohibition of Torture Act, (Cap. 130); beating handcuffed and blindfolded men for documenting the State's killings is torture by intimidation and punishment under Section 2. No officer has answered for it.

File 9: Eddie Mutwe: "in my basement" (2025)

Status of the evidence. The file rests on the General's own posts on X, the release order of the Uganda Human Rights Commission, the public statement of the Minister of Justice on Mutwe's condition when the State produced him in court, and his lawyer's account.

On 27 April 2025, armed men abducted Edward Ssebuufu, known as Eddie Mutwe, chief bodyguard to Bobi Wine, at Kiwango trading centre in Mukono. Days later, General Muhoozi Kainerugaba, Chief of Defence Forces and the President's son, announced the capture on X. He wrote that he had taken Mutwe *"like a grasshopper"* and was using him as a punching bag[90]. He posted a photograph of the captive, boasted of shaving his head, and added: *"I still have to castrate him"*[91]. To Bobi Wine he wrote: *"He is in my basement... You are next!"*[92].

The Uganda Human Rights Commission, a government body, ordered his release. When the State finally produced him before Masaka Magistrates' Court on robbery charges,

---

[87] Human Rights Watch, *"I Only Need Justice"* (above), text at notes 149 to 151.

[88] Human Rights Watch, *"I Only Need Justice"* (above), text at notes 149 to 151.

[89] Human Rights Watch, *"I Only Need Justice"* (above), text at notes 152 to 155.

[90] Activist held by military chief shows signs of torture, https://www.aljazeera.com/news/2025/5/6/activist-reportedly-held-by-ugandas-military-chief-shows-signs-of-torture (accessed 31 October 2026).

[91] Army chief says torturing opposition aide in his basement, https://www.enca.com/news/ugandan-army-chief-says-torturing-opposition-aide-his-basement (accessed 31 October 2026).

[92] Muhoozi gloats in abducting Eddie Mutwe, https://observer.ug/news/muhoozi-gloats-in-abducting-torturing-bobi-wines-bodyguard-eddie-mutwe/ (accessed 31 October 2026).

the Minister of Justice himself, Norbert Mao, said Mutwe appeared *"in a visibly weak condition and showing signs of having been tortured"*[93]. His lawyer said masked men had tortured him daily and electrocuted him in a private home's basement. The State has charged no one with torturing him. Mutwe remained on remand at the start of 2026.

File 10: Bob Njagi and Nicholas Oyoo: the Kenyans in the safe house (2025)

Status of the evidence. The High Court ordered the State to produce the two men. Their detention rests on the President's own admission. The account of the beating rests on Njagi's public statements after his release.

On 1 October 2025, masked uniformed men forced two Kenyan human rights activists, Bob Njagi and Nicholas Oyoo, into a car after an opposition campaign event they had attended in support of Robert Kyagulanyi[94]. For weeks the authorities denied holding them. M/s Kiiza & Mugisha Advocates applied to the High Court for habeas corpus against the Chief of Defence Forces, the Chief of Defence Intelligence and Security, the Inspector General of Police and the Attorney General, pleading that the military held the two incommunicado at its facility at Mbuya[95]. The court ordered the State to produce them, dead or alive[96]. The National Unity Platform's Secretary General later summed up their isolation: *"No one was allowed to access them during this period. Not their family members. Not their lawyers. Not their medical personnel."*[97]

The State released them on 7 November 2025, after 38 days, under diplomatic pressure from Nairobi[98]. They described a safe house with no daylight and no fresh air, a paint tin for a toilet, and a transfer to Busia after two weeks. On the second day, their captors blindfolded Njagi, tied him to a chair and beat him while another officer questioned him about who funded their movement. Afterwards the captors handed them paracetamol: *"That's all we got so that we could heal quietly"*, Njagi said[99]. They named fellow detainees at the Special Forces Command base at Kasenyi, and said the base held more than 150

[93] Opposition member held by president's son shows signs of torture, https://www.businessday.co.za/bd/world/2025-05-06-ugandan-opposition-member-held-by-presidents-son-shows-signs-of-torture (accessed 31 October 2026).

[94] Uganda president admits Kenyan activists were arrested and held in 'the fridge', https://www.namibian.com.na/uganda-president-admits-kenyan-activists-were-arrested-and-held-in-the-fridge-2/ (accessed 8 November 2026).

[95] Lawyers file habeas corpus seeking court to compel Uganda's security chiefs to free two Kenyans, https://thecapitaltimes.co.ug/lawyers-file-habeas-corpus-seeking-court-to-compel-ugandas-security-chiefs-to-free-two-kenyans-arrested-from-nup-campaigns (accessed 8 November 2026).

[96] Uganda: Court Orders Govt to Produce Missing Kenyan Activists Dead or Alive, 15 October 2025, https://allafrica.com/stories/202510150037.html (accessed 8 November 2026).

[97] Uganda: NUP Demands Museveni Order Release of 18 Missing Supporters and Sam Mugumya, 9 November 2025, https://allafrica.com/stories/202511100662.html (accessed 8 November 2026).

[98] Kenya: 'Our Ugandan Captors Beat Us, Then Gave Us Painkillers' - Freed Kenyan Activists, 13 November 2025, https://allafrica.com/stories/202511130034.html (accessed 8 November 2026).

[99] Kenya: 'Our Ugandan Captors Beat Us, Then Gave Us Painkillers' - Freed Kenyan Activists, 13 November 2025, https://allafrica.com/stories/202511130034.html (accessed 8 November 2026).

people[100][101]. The President, who for weeks had let his officials deny the arrest, then acknowledged it, calling the two *"experts in riots"* and admitting that the State had held them in *"the fridge"*[102].

File 11: Sam Mugumya: tortured to disability, threatened with execution (2025 to date)

Status of the evidence. The High Court ordered the State to produce Mugumya in Miscellaneous Cause No. 227 of 2025, and the State answered with a sworn denial of custody. His detention at Kasenyi rests on the sworn affidavit of a fellow detainee and on a second detainee's account; his disability rests on video footage and on Lt Mabonga's statement, which the UPDF disputes; and the State's custody of him rests also on the Chief of Defence Forces' own admission of 2 October 2026.

Sam Mugumya, a long-serving aide to Dr Besigye, knows incommunicado detention well. In 2014 soldiers arrested him at the border and the Congolese military held him for more than eight years before his release in 2022[103]. On 26 August 2025 he disappeared again, this time in Uganda.

On 5 September 2025, in *Mugumya Sam v Chief of Defence Forces and Others* (Miscellaneous Cause No. 227 of 2025), Justice Collins Acellam ordered the military to produce him[104]. The State did not obey. Instead, Lt Col Edgar Musasizi, the UPDF's Director of Civil Affairs, swore a return: *"We have searched all relevant detention facilities' records and found no entry relating to the said Sam Mugumya between 26th August 2025 and to date."*[105] The authorities later suggested, without evidence, that he had gone to the Democratic Republic of Congo[106].

Fellow detainees answered the return. Asiku Raymond, released from incommunicado detention, swore in a second application, Miscellaneous Cause No. 208 of 2026, that the

---

[100] Freed Kenyan activists recount beatings, https://allafrica.com/stories/202511130034.html (accessed 31 October 2026).

[101] Kenyan activists claim over 150 held at Uganda's SFC base, https://www.monitor.co.ug/uganda/news/national/kenyan-activists-claim-over-150-held-at-uganda-s-sfc-base-5262780 (accessed 8 November 2026).

[102] AllAfrica, "Our Ugandan Captors Beat Us, Then Gave Us Painkillers" (above); The Namibian (above).

[103] Alleged new video of crippled Sam Mugumya sparks worry, 31 July 2026, https://www.pulse.ug/story/alleged-new-video-of-crippled-sam-mugumya-sparks-worry-2026073111383758266; Amnesty International, Urgent Action UA 295/14, AFR 62/006/2014 (20 November 2014) (accessed 8 November 2026).

[104] *Mugumya Sam v Chief of Defence Forces and Others*, High Court (Civil Division) Miscellaneous Cause No. 227 of 2025, order of Acellam J, 5 September 2025.

[105] UPDF Denies Holding Besigye's Aide Sam Mugumya, 12 September 2025, https://ugandaradionetwork.net/story/updf-denies-detaining-besigyes-aide-sam-mugumya (accessed 8 November 2026).

[106] Ugandan army officer's videos show alleged torture, abductions, https://www.jacarandafm.com/news/news/ugandan-army-videos-allege-torture-abductions/ (accessed 8 November 2026).

Special Forces Command holds Mugumya illegally at its facility at Kasenyi, Wakiso District, and that its officers had nearly tortured him to death[107]. Amos Rwangomani, a ruling party cadre whom the State later produced before a military court, also placed Mugumya at Kasenyi[108]. In July 2026 a video appeared to show Mugumya crippled[109]. On 30 September 2026, Lt Herbert Matanda Mabonga, a UPDF intelligence officer formerly attached to the Mbuya headquarters, released footage that he said he had filmed from the window of his own cell at a Special Forces Command safe house near Abayita Ababiri. It shows a once robust man, gaunt and frail, hobbling around a courtyard on a walking frame in a yellow campaign T-shirt bearing the President's image. Mabonga said the military had *"tortured"* Mugumya *"to disability"* and that he was learning to walk again. Of the facility, he said that *"beating was the order of the day"*, and that *"pliers, electric shocks and anything that inflicts pain were used"*[110][111]. The UPDF called his statement *"a pile of unsubstantiated rubbish"*[112].

Two days later, on 2 October 2026, the Chief of Defence Forces answered for himself on X: *"Yes, I have Sam Mugumya. He is fine. But I will execute him soon."* Sixteen minutes later he added: *"People are feeling sorry for Mugumya's legs? I'm going to shoot him to death."*[113] The commander of the force whose officer swore that Mugumya had never been in its custody thus admitted holding him, and threatened to kill him. The Second Schedule to the Prevention and Prohibition of Torture Act, (Cap. 130) lists threatening a victim with execution as an act of mental torture. When the High Court heard the second application on 26 October 2026, the State still denied custody and asked for two more

[107] Affidavit of Asiku Raymond in High Court (Civil Division) Miscellaneous Cause No. 208 of 2026; Disgruntled UPDF Lieutenant leaks new 'safehouse footage' of Sam Mugumya, Muwanga Kivumbi, https://www.pulse.ug/story/updf-safehouse-footage-sam-mugumya-muwanga-kivumbi-2026093012471303059 (accessed 8 November 2026).

[108] Statement of David Lewis Rubongoya, NUP Secretary General, 31 July 2026; record of proceedings in High Court (Civil Division) Miscellaneous Cause No. 208 of 2026, hearing of 26 October 2026.

[109] Pulse Uganda, “Alleged new video of crippled Sam Mugumya sparks worry” (above).

[110] Army officer's videos show alleged torture, https://www.arabnews.pk/world/ugandan-army-officers-videos-show-alleged-torture-abductions-3004151 (accessed 31 October 2026).

[111] Ugandan army officer's videos show alleged torture, abductions, https://www.arabnews.com/world/ugandan-army-officers-videos-show-alleged-torture-abductions-3006335; Uganda: Jeema Demands Probe Into Alleged Torture of Sam Mugumya, https://allafrica.com/stories/202610020341.html (accessed 8 November 2026).

[112] UPDF brands Lt Mabonga claims 'rubbish', says ex-CMI officer will face military justice, https://www.monitor.co.ug/uganda/news/national/updf-brands-lt-mabonga-claims-rubbish-says-ex-cmi-officer-will-face-military-justice-5616446 (accessed 8 November 2026).

[113] Posts by Gen Muhoozi Kainerugaba (@mkainerugaba) on X, 2 October 2026, at 19:50 and 20:06; I'm going to shoot him to death, Gen Muhoozi threatens missing opposition activist Sam Mugumya, https://www.monitor.co.ug/uganda/news/national/i-m-going-to-shoot-him-to-death-gen-muhoozi-threatens-missing-opposition-activist-sam-mugumya-5618510 (accessed 8 November 2026).

weeks to investigate[114]. Parliament's Opposition demanded that the Government account for him[115]. The man remains in the basement the State denies it has.

File 12: Agatha Nazziwa ("Blue Tick"): the habeas corpus return that the release disproved (2026)

Status of the evidence. The State's sworn return denied custody, and her release the same evening contradicted it. Her account of torture rests on her public statements to her party and to NTV Uganda, and she has not yet given sworn evidence of it. The entry for her at the Abayita Ababiri safe house rests on documents attributed to Lt Mabonga, which the UPDF disputes.

On 9 April 2026, armed men travelling in a "drone" abducted Agatha Nazziwa, a 23-year-old National Unity Platform supporter popularly called "Blue Tick", in Mutungo, Kampala, as she travelled to the vigil of Edith, the late wife of the party's Deputy Spokesperson, Alex Waiswa Mufumbiro[116]. Her lawyers applied to the High Court for habeas corpus in Miscellaneous Cause No. 119 of 2026. On 29 May 2026, Lt Elly Musinguzi, a legal officer in the Ministry of Defence and Veteran Affairs, swore a return that she *"is not in the custody, detention or control of the Uganda People's Defence Forces, the Special Forces Command, or any Unit's known gazetted military detention facility"*, and that the military had no record of her arrest[117]. That same evening, the military released her from the Defence Intelligence and Security headquarters at Mbuya. The next day the NUP Secretary General, David Lewis Rubongoya, announced her release: *"She says she was held at various detention places and subjected to incredible torture."* Her captors had warned her never again to associate with the party[118][119].

On 17 June 2026 she told NTV Uganda her own story. The men who abducted her beat her *"so much, so much"*, took her to a small room in darkness and threw her inside. Her interrogators asked whether she had Bobi Wine's telephone number, searched her phone, and demanded to know *"why do you do this to the government?"* Two days later a

---

[114] Statement of David Lewis Rubongoya, NUP Secretary General, 31 July 2026; record of proceedings in High Court (Civil Division) Miscellaneous Cause No. 208 of 2026, hearing of 26 October 2026.

[115] Parliament gives govt two weeks to account for Mugumya, other missing persons, https://www.monitor.co.ug/uganda/news/national/parliament-gives-govt-two-weeks-to-account-for-mugumya-other-missing-persons-5616226 (accessed 8 November 2026).

[116] Post by Ssekabira Patrick on X, https://x.com/PSSEKABIR/status/2045372325147664493; post by the National Unity Platform on X, https://x.com/NUP_Ug/status/2043351884350820698 (accessed 8 November 2026).

[117] Return of Lt Elly Musinguzi, 29 May 2026, in High Court (Civil Division) Miscellaneous Cause No. 119 of 2026.

[118] Why Lukwago's abduction evokes memories of the dark days, https://www.monitor.co.ug/uganda/news/national/why-lukwago-s-abduction-evokes-memories-of-the-dark-days-5497708 (accessed 31 October 2026).

[119] Post by David Lewis Rubongoya on X, 30 May 2026; Muhoozi bows to pressure, promises to release abducted ex-Kampala Lord Mayor Erias Lukwago, https://www.monitor.co.ug/uganda/news/national/muhoozi-bows-to-pressure-promises-to-release-abducted-ex-kampala-lord-mayor-erias-lukwago-5498182 (accessed 8 November 2026).

man took her to another room, where the beatings resumed. Around her she saw many other detainees, some with their hands cut, others disabled. She spent about two weeks there, and was still receiving treatment when she spoke[120]. Documents that Robert Kyagulanyi published on 30 September 2026, attributed to Lt Mabonga, list her among detainees entered at the Abayita Ababiri safe house; the UPDF dismisses Mabonga's material as fabricated[121]. The return deserves close reading. It denied custody only in *"known gazetted"* facilities: a denial so drawn does not deny detention in an ungazetted one, which is exactly where she says she was.

File 13: Erias Lukwago: the advocate in the basement (2026)

Status of the evidence. His capture and the photographs of him blindfolded rest on the General's own posts; the beating and stripping rest on his wife's account to journalists; and the spinal injury rests on his lawyers' submissions in open court.

On 15 June 2026, Special Forces Command soldiers cut the razor wire on the wall of Erias Lukwago's home in Wakaliga and abducted him. Lukwago, former Lord Mayor of Kampala, President of the People's Front for Freedom and lead counsel for Dr Besigye, had been preparing to serve General Muhoozi with court papers in a human rights case. The General soon posted that he had *"captured a FOOL and taken him to the basement"*[122], followed by photographs of Lukwago blindfolded on a tiled floor. His wife told journalists that his captors slapped him, beat him, stripped him naked and photographed him to humiliate him[123].

The State held him incommunicado for more than 48 hours, then produced him at Makindye Chief Magistrate's Court charged with misprision of treason. His lawyers told the court he had suffered a dislocated spinal disc after soldiers forced him to sleep on the floor in military custody[124]. The Uganda Law Society, the East African Law Society, the Council of Bars and Law Societies of Europe and the New York City Bar Association condemned the abduction. In October 2026, as the prisons service moved Lukwago to Mulago National Referral Hospital, the General returned to X: *"He looks healthy enough to be hanged"*[125].

---

[120] NTV Uganda, “Former victims narrate 'basement' ordeals”, 17 June 2026 (YouTube channel NTVUganda).

[121] Post by Robert Kyagulanyi Ssentamu on X, 30 September 2026; UPDF brands Lt. Mabonga a deserter, dismisses safehouse torture allegations, https://www.independent.co.ug/updf-brands-lt-mabonga-a-deserter-dismisses-safehouse-torture-allegations/ (accessed 8 November 2026).

[122] Lukwago family condemns violent arrest, https://www.independent.co.ug/lukwago-family-condemns-violent-arrest/ (accessed 31 October 2026).

[123] Uganda's dark days return, https://www.eastafricanherald.com/lifestyle/2026/6/24/ugandas-dark-days-return (accessed 31 October 2026).

[124] Army chief vows Lukwago will never come out, https://www.ugstandard.com/uganda-army-chief-vows-lukwago-will-never-come-out-of-prison-as-treason-charge-deepens-crisis/ (accessed 31 October 2026).

[125] Muhoozi renews threats against Lukwago, https://www.pulse.ug/story/muhoozi-renews-threats-against-erias-lukwago-kcca-2026102206073385391 (accessed 31 October 2026).

The State then turned on the rest of the defence. On 22 June 2026, as the Makindye court sat to rule on Lukwago's bail, immigration officers at Entebbe stopped Martha Karua, Senior Counsel, former Minister of Justice of Kenya and lead counsel for Dr Besigye, took her phones and put her back on a plane to Nairobi without reasons, although she held a Special Practising Certificate from the Uganda Law Council[126]. The Human Rights Foundation reported that General Muhoozi boasted of the deportation; Karua has since sued him in the High Court[127]. The abduction of one advocate and the expulsion of another left an accused man facing a capital charge with lawyers he had not chosen.

File 14: Others in the ledger

- **Zigy Wyne (2019).** The entertainer, a friend of Bobi Wine, died in August 2019 after unknown abductors dumped him outside a Kampala hospital missing an eye and two fingers[128].

- **Natabi Fauzia ("Mama Kyeyune") (2026).** Soldiers picked up the wife of the personal assistant to the NUP President from her home in Wakiso on 12 March 2026, in full view of cameras, and the military held her for weeks in defiance of a court order[129].

- **Christopher Gody ("King Zale") (2026).** The military took the People's Front for Freedom activist in April 2026; he remains missing[130].

- **Muhammad Muwanga Kivumbi (2026).** Mabonga's footage appears to show a military officer checking the blood pressure of the former Butambala MP in detention; Kivumbi has alleged torture in custody and now faces criminal charges[131].

- **The 2026 election detainees.** Amnesty International documented beatings, threats of execution and forced confessions of NUP members around the January 2026 elections; one survivor said a colleague lost his teeth and another an eye[132].

---

[126] Martha Karua denied entry to Uganda, https://theeastafrican.co.ke/tea/news/east-africa/martha-karua-denied-entry-uganda-ahead-of-lukwago-bail-ruling-5504834 (accessed 31 October 2026).

[127] Karua sues Muhoozi, https://observer.ug/news/deported-kenyan-lawyer-karua-sues-muhoozi/ (accessed 31 October 2026).

[128] Bobi Wine condemns killing of supporter, https://cfjctoday.com/2019/08/06/ugandan-activist-bobi-wine-condemns-killing-of-his-supporter/ (accessed 31 October 2026).

[129] Post by the National Unity Platform on X (above); Stop Sponsoring Our Oppression, https://www.thenextmove.org/p/bobi-wine-stop-sponsoring-our-oppression (accessed 8 November 2026).

[130] Daily Monitor, “Muhoozi bows to pressure, promises to release abducted ex-Kampala Lord Mayor Erias Lukwago” (above).

[131] Disgruntled UPDF Lieutenant leaks new 'safehouse footage' of Sam Mugumya, Muwanga Kivumbi, 30 September 2026, https://www.ghanamma.com/2026/09/30/disgrantled-updf-lieutenant-leaks-new-safehouse-footage-of-sam-mugumya-muwanga-kivumbi-2/ (accessed 8 November 2026).

B. THE JURISPRUDENCE OF UGANDA'S COURTS

Uganda's courts have written some of the finest pages in the region's law on human dignity. They have also watched habeas corpus writs ignored and, in 2026, narrowed one of the strongest remedies Parliament ever gave torture survivors. The record is a mixture of courage and retreat.

The constitutional foundations

- **Attorney General v Salvatori Abuki** (Constitutional Appeal No. 1 of 1998) [1999] UGSC 7. The Supreme Court held, by majority, that an order banishing a convict from his home for ten years was torturous, cruel, inhuman and degrading punishment contrary to Articles 24 and 44(a)[133]. Oder JSC held that the words of Article 24 *"have to be read disjunctively"*, so that the Article protects citizens from *"seven different conditions"*: torture, cruel treatment, cruel punishment, inhuman treatment, inhuman punishment, degrading treatment and degrading punishment. To establish a violation, it is enough to show that State conduct falls within any one of them, and then *"no question of justification can ever arise"*[134]. Mulenga JSC added that *"the prohibition of such treatment and punishment is absolute"* and that *"the act of rendering a human being homeless is both inhuman and degrading"*. The Court judged the punishment by its effect on the man, not by its label or its statutory authority.

- **Kyamanywa Simon v Uganda** (Constitutional Reference No. 10 of 2000). The Constitutional Court struck down judicial corporal punishment as cruel, inhuman and degrading treatment contrary to Article 24. If a court may not lawfully order a cane, no soldier may lawfully wield pliers.

- **Attorney General v Susan Kigula and 417 Others** (Constitutional Appeal No. 3 of 2006). The Supreme Court held the mandatory death sentence unconstitutional and ruled that keeping a condemned prisoner on death row for more than three years after confirmation of sentence was inhuman treatment. The Court thus recognised that prolonged anguish, without a single blow, can violate Article 24.

- **Dr Kizza Besigye and Others v Attorney General** (Constitutional Petition No. 7 of 2007). After armed security agents besieged the High Court to re-arrest suspects granted bail, the Constitutional Court halted the prosecution because

---

[132] Election-related killings, arrests and torture, https://www.amnesty.org/en/latest/news/2026/04/uganda-authorities-must-investigate-election-related-killings-arbitrary-arrests-and-torture-of-opposition-members-supporters/ (accessed 31 October 2026).

[133] *Attorney General v Salvatori Abuki* (Constitutional Appeal No. 1 of 1998) [1999] UGSC 7 (25 May 1999), https://ulii.org/akn/ug/judgment/ugsc/1999/7/eng@1999-05-25 (accessed 8 November 2026).

[134] *Abuki* (above), judgment of Oder JSC; see also the judgment of Mulenga JSC.

the State's conduct had made a fair trial impossible. The case confirms that grave violations of non-derogable rights can bar a prosecution altogether.

Courts that believed the scars

- **The Kaweesi suspects (High Court, 2017).** Justice Margaret Oguli-Oumo refused to rely on prison doctors employed by the State whose agents stood accused, ordered independent examinations by the African Centre for Treatment and Rehabilitation of Torture Victims, and awarded each of 22 suspects Shs80 million.

- **Kakwenza Rukirabashaija v Attorney General (High Court, 2024).** Justice Boniface Wamala found torture, detention beyond 48 hours in breach of Article 23(4), and an invasion of privacy, and awarded general and exemplary damages.

- **Agaba v Attorney General and 3 Others (High Court, 2019).** The court held the State vicariously liable, and the officers personally liable, for an incommunicado arrest and torture[135].

- **Rights Trumpet and 2 Others v AIGP Asan Kasingye and 5 Others (High Court, 2020).** Mutonyi J held that denying a suspect knowledge of where she is detained *"implies that the suspect is incarcerated incommunicado"*, that the concealment *"helps to conceal the tormentor"* and *"instills fear"*, and that *"this kind of treatment is torture on all fours"*. She added: *"Any single act of torture amounts to torture. One does not have to use all the listed acts of torture."*[136]

- **Zaake v Attorney General and 7 Others (High Court, 2021).** Nambayo J found that the police tortured the Member of Parliament in custody and declared his ten-day detention unlawful (File 6)[137].

- **Wanyoto v Sgt Ouma and Another (Court of Appeal, 2022).** The Court of Appeal held that a prosecution engineered after torture violates non-derogable rights, and that a court may not insist on medical proof before it accepts an allegation of torture[138].

---

[135] *Agaba v Attorney General & 3 Others* (Civil Suit No. 247 of 2016) [2019] UGHCCD 226 (20 December 2019), https://ulii.org/en/akn/ug/judgment/ughccd/2019/226/eng@2019-12-20 (accessed 8 November 2026).

[136] *Rights Trumpet & 2 Others v AIGP Asan Kasingye & 5 Others and Mucunguzi Abel & 9 Others v Attorney General & 2 Others* (Consolidated Miscellaneous Causes No. 17 and 3 of 2017) [2020] UGHC 42 (15 May 2020), p. 28.

[137] *Zaake v Attorney General & 7 Others* (Miscellaneous Cause No. 85 of 2020) [2021] UGHCCD 269 (9 August 2021), pp. 15 to 16, summarising paragraphs 7, 15, 20 and 21 of the Applicant's affidavit.

[138] *Wanyoto v Sgt Ouma and Another* (Civil Appeal No. 91 of 2021) [2022] UGCA 185 (8 July 2022), https://ulii.org/akn/ug/judgment/ugca/2022/185/eng@2022-07-08 (accessed 8 November 2026).

- **Obongo v Attorney General (High Court, 2022).** Wamala J relied expressly on item 2(c) of the Second Schedule to the Prevention and Prohibition of Torture Act and held that ten days of incommunicado detention before arraignment amounted to torture[139].

- **Turyamuhika Geofrey Tumwine v Attorney General (High Court, 2023).** Odoki J held that blindfolding the applicant and keeping him *"incommunicado (denied communication with his next of kin, lawyer and doctor) amounts to mental and psychological torture"*[140].

- **Otim Boniface Oketa v Attorney General (High Court, 2026).** Acellam J condemned prolonged incommunicado military detention and an arraignment designed to defeat a habeas corpus application, and awarded damages and interest[141].

- **The Kayihura private prosecution (Constitutional Court, 2023).** Victims used the Prevention and Prohibition of Torture Act to launch a private prosecution against a former Inspector General of Police and other senior officers. The Constitutional Court unanimously dismissed a petition seeking to block the trial, upholding the Act's provisions on private prosecution[142].

- **The Supreme Court on military trials (2025).** In January 2025 the Supreme Court held that the trial of civilians in military courts is unconstitutional, removing one of the main channels through which tortured civilians reached sentence without independent scrutiny.

The retreat

In June 2026 a five-judge panel of the Constitutional Court declared Section 11(2)(a), (b) and (c) of the Human Rights (Enforcement) Act, (Cap. 12) unconstitutional to the extent that it required a trial court to declare a trial a nullity and acquit an accused person whose non-derogable rights had been violated[143]. The Court reasoned that automatic

---

[139] *Obongo v Attorney General* (Miscellaneous Cause No. 224 of 2021) [2022] UGHCCD 255 (12 December 2022), https://ulii.org/akn/ug/judgment/ughccd/2022/255/eng@2022-12-12 (accessed 8 November 2026).

[140] *Turyamuhika Geofrey Tumwine v Attorney General* (Miscellaneous Cause No. 308 of 2019) [2023] UGHCCD 383 (22 September 2023).

[141] *Otim Boniface Oketa v Attorney General* (Miscellaneous Cause No. 129 of 2024) [2026] UGHCCD 109 (11 March 2026), https://ulii.org/en/akn/ug/judgment/ughccd/2026/109/eng@2026-03-11 (accessed 8 November 2026).

[142] Carry your torture cross, court tells Gen Kayihura, https://www.monitor.co.ug/uganda/news/national/carry-your-torture-cross-court-tells-gen-kayihura-4344106 (accessed 31 October 2026).

[143] *Faruku Muhamed & 2 Others v Attorney General* (Constitutional Petition No. 17 of 2024, consolidated with Constitutional Reference No. 2 of 2024, *Attorney General v Akamba Paul*) [2026] UGCC 7 (2 June 2026), para 153. See also Sanyu FM, "Constitutional Court nullifies automatic acquittal", https://sanyufm.com/?p=20916 (accessed 31 October 2026).

acquittal upset the balance between the rights of the accused and the fair-hearing rights of victims under Article 28. Members of the Uganda Law Society warned that the ruling weakens protection against torture and may embolden abusive agents.

The objection is sound. Section 11(2) existed precisely because the ordinary remedies had failed. It told the security services, in the only language they reliably hear, that a tortured confession would cost the State its case. Without it, the State can torture, prosecute and convict, and pay damages later from the taxpayer's purse. Article 44 places freedom from torture beyond derogation; a remedy that makes violation profitable is a remedy in name only. The question now belongs to the Supreme Court.

C. INTERNATIONAL AND COMPARATIVE JURISPRUDENCE

International courts have built a body of law on torture that answers every excuse Uganda's security apparatus offers. Read together, the cases establish five propositions.

1. The prohibition is absolute and peremptory

In *Prosecutor v Furundžija* (IT-95-17/1-T, 10 December 1998), the Trial Chamber of the International Criminal Tribunal for the former Yugoslavia held that the prohibition of torture is a norm of *jus cogens*, binding on every State irrespective of treaty, and owed *erga omnes* to the whole international community (paras 153–157). The Chamber added that a national amnesty for torture would have no international legal effect, a principle Uganda's Prevention and Prohibition of Torture Act already embraces. In *Filártiga v Peña-Irala*, 630 F.2d 876 (2d Cir. 1980), the United States Court of Appeals allowed the family of a Paraguayan teenager tortured to death by a police inspector to sue the torturer in New York, holding that the prohibition binds every nation.

2. No emergency, no terrorist and no hostage justifies it

In *Gäfgen v Germany* (Grand Chamber, 2010), a Frankfurt police chief threatened a kidnapper with severe pain to discover where he had hidden an eleven-year-old boy. The European Court of Human Rights held that even the threat, made to save a child's life, violated Article 3 of the European Convention. If the life of a kidnapped child cannot justify the threat of torture, the protection of a regime from a bodyguard, a novelist or an advocate cannot justify its infliction. The Supreme Court of Israel reached the same conclusion in *Public Committee Against Torture v State of Israel* (1999), forbidding the security service's "moderate physical pressure" even against suspected terrorists.

3. Uganda's methods have names in international law

Courts elsewhere have already judged the techniques that Part VII.A documents:

- **Suspension.** In *Aksoy v Turkey* (1996), the European Court made its first ever finding of torture against a State for "Palestinian hanging": the victim stripped naked, his arms tied behind him, and suspended. Uganda's "Rambo" is the same technique.

- **Hooding, sleep deprivation, stress positions and food deprivation.** In *Ireland v United Kingdom* (1978), the Court found that the "five techniques" amounted to inhuman and degrading treatment. In *Selmouni v France* (1999), it declared the Convention a living instrument and warned that it could in future classify as torture acts it had once classified as inhuman treatment, because rising standards of human rights demand greater firmness.

- **Rape in custody.** In *Aydın v Turkey* (1997), the Court held that the rape of a detainee by an official is torture.

- **Incommunicado detention and disappearance.** In *Velásquez Rodríguez v Honduras* (1988), the Inter-American Court held that prolonged isolation and denial of communication are themselves cruel and inhuman treatment, and that a State which disappears a person bears the burden of explaining his fate.

4. The fruits of torture are poisoned

In *A v Secretary of State for the Home Department (No 2)* [2005] UKHL 71, the House of Lords held that evidence obtained by torture is inadmissible in any British court, whoever inflicted it and wherever. Article 15 of the Convention against Torture and Section 14 of Uganda's Prevention and Prohibition of Torture Act, (Cap. 130) state the same rule. Every confession extracted at Nalufenya or in a basement is, in law, a confession of the State's crime, not the detainee's.

5. No office protects the torturer

In *R v Bow Street Metropolitan Stipendiary Magistrate, ex parte Pinochet Ugarte (No 3)* [2000] 1 AC 147, the House of Lords held that a former Head of State enjoys no immunity from prosecution for torture committed after the Convention entered into force for the States concerned. In 2016 the Extraordinary African Chambers in Dakar convicted Hissène Habré, former President of Chad, of torture, crimes against humanity and war crimes, and sentenced him to life imprisonment; the Appeals Chamber upheld the conviction in 2017. Africa itself has proved that African judges can try, convict and imprison a torturer-in-chief. Under Article 7(1)(f) of the Rome Statute, widespread or systematic torture of a civilian population is a crime against humanity, and Uganda is a State Party.

The African and East African dimension

Article 5 of the African Charter on Human and Peoples' Rights prohibits torture and all forms of degradation. The African Commission's *Robben Island Guidelines* (2002) require States to criminalise torture, close secret places of detention and record every detention. Its General Comment No. 4 (2017) entitles every survivor to full redress: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

The East African Court of Justice has already measured Uganda against these standards. In *Katabazi and 21 Others v Secretary General of the East African Community*

and the Attorney General of Uganda (Reference No. 1 of 2007), the Court held that the intervention of armed security agents to re-arrest suspects whom the High Court had granted bail violated the rule of law under Articles 6 and 7 of the Treaty. The siege of the High Court in 2005 and the abduction of an advocate preparing to serve court papers in 2026 belong to one unbroken lineage.

PART VII: COMMENTARY ON THE LAW AND PRACTICE GAP

"Do you know that this country has its owners?"

— Soldiers to a detainee, as reported by The Economist (2021)

Parts III to V show a law that leaves no room for torture. Part VI shows a practice that has made room for it everywhere. This Part examines the gap: the methods the law forbids (A), the attack on the press (B), the two mouths of the State (C), the gap between judgement and justice (D), the voices of conscience (E), the watching world (F), incommunicado detention as torture by concealment (G), the duties of the gaoler (H) and of the magistrate (I), the excuses offered for torture and their answers (J), and what the gap means (K).

A. THE TORTURER'S TOOLKIT

Twenty years of testimony from survivors, rights groups, courts and journalists reveal a stable repertoire. The tools change little; only the addresses move. Human Rights Watch described the core of it as early as 2005: beatings with rifle butts, sticks and electric cables; *kandoya*, the binding of hands and feet behind the back; detention in pits; forcing the victim's open mouth under a running tap; and injury to the genitals[144].

The architecture of drones, safe houses and basements

Torture in Uganda begins with an abduction and ends, if the victim is fortunate, in a courtroom. Armed men in plain clothes or mixed uniform bundle the victim into an unmarked van, known locally as a "drone", and drive him to an ungazetted place of detention[145]. The United States State Department has recorded such "safe houses" in Mbuya, Nakasero, Kololo, Kyengera and the Kalangala islands[146]. Human Rights Watch documented detention in a room in the basement of the Parliament building itself, in residential houses and on an island in Lake Victoria[147]. UN experts reported at least 160 enforced disappearances in 2025 alone[148]. The State denies that the houses exist. Survivors describe their tiles, their cold and their screams.

---

[144] Background briefing on torture in Uganda, https://www.hrw.org/legacy/backgrounder/africa/uganda0505/2.htm (accessed 31 October 2026).

[145] End enforced disappearances of opponents, https://www.hrw.org/news/2021/03/11/uganda-end-enforced-disappearances-opponents (accessed 31 October 2026).

[146] Country Report on Human Rights Practices 2019, https://www.ecoi.net/de/dokument/2026414.html (accessed 31 October 2026).

[147] Uganda failing to hold torturers to account, https://www.the-star.co.ke/news/2022-03-22-uganda-failing-to-hold-torturers-to-account-hrw (accessed 31 October 2026).

[148] UN experts urge safeguards ahead of 2026 elections, https://www.ohchr.org/en/press-releases/2026/01/uganda-un-experts-urge-stronger-human-rights-safeguards-ahead-2026-elections (accessed 31 October 2026).

The methods

Method	What it involves	Where documented
Beating with instruments	Batons, iron bars, wires, rifle butts, sticks on joints, soles and back	Bobi Wine (2018), Kawempe journalists (2025), Byamukama (2017)
Suspension ("Rambo")	Handcuffed or chained and hung from the ceiling for hours	HRW 2022 report; Cyrus Kasato (2021)
Crucifixion posture	Tied with arms outstretched and left for up to twelve hours	HRW 2022 report
Pliers	Plucking fingernails, pulling ears, tearing flesh from thighs	Kakwenza (2022), Bobi Wine (2018), ACTV clinical records
Electric shock	Electrocution during interrogation, sometimes fatal	Abdu Semugenyi (died 2006), Eddie Mutwe (2025)
Water torture	Water poured over a bound victim's head until he cannot breathe; standing in flooded cellars	Patrick Okiring (2007); 2021 abductees
Burning	Hot metal pressed into palms or chest; flat irons on the body	Bobi Wine (2020), Eric Mwesigwa, HRW 2022
Genital torture	Squeezing and beating testicles; rape and sexual assault	Bobi Wine (2018), TASSC testimony, HRW 2022
Unknown injections	Substances injected into feet and buttocks without consent	Kakwenza (2022), Bobi Wine (2018)
Sleep and food deprivation	Forced dancing for days, water poured on cell floors, starvation	Kakwenza (2022), Kaweesi suspects (2017), Bob Njagi (2025)
Prolonged shackling	Handcuffs on for 24 hours a day	Kaweesi suspects at Nalufenya (2017)
Chemical assault	Pepper spray and tear gas fired into the eyes at close range	Kizza Besigye (2011); NUP supporters (2025)
Public humiliation	Head shaved, stripped, blindfolded, photographed and posted online	Eddie Mutwe (2025), Erias Lukwago (2026)
Denial of medical care	Wounds left to turn septic; injured detainees produced in court	Byamukama (2017), Zaake (2020), Lukwago (2026)
Threats and	Mock executions, threats to	Kakwenza (2022), 2026

Method	What it involves	Where documented
forced confession	family, filmed apologies	election detainees

The digital dimension

Uganda has added a modern refinement to an ancient practice: the broadcast. Torturers once hid their work. Now the Chief of Defence Forces photographs his captives and posts the images to millions of followers. The publication itself inflicts a second injury, a degradation that follows the victim for life, and it sends the message torture always intends: *this could be you*. International law recognises that humiliation for its own sake can amount to degrading treatment. When humiliation serves to intimidate an entire political movement, it acquires the purpose that defines torture.

The refinement is not new in kind. It is new only in reach. Michel Foucault's account of the public torture of Damiens in 1757 describes exactly what the Chief of Defence Forces does with a smartphone: a sovereign who writes his power on a captive's body and displays it for the public to read (Part II.C). The scaffold of the ancien régime drew a crowd of thousands. The basement post draws millions, and it never comes down.

Visible and invisible marks

Some techniques, such as suspension, sleep deprivation, water and electricity, aim to leave little visible trace. Others, like pliers and wire, scar deliberately. The State uses both. The invisible methods permit denial. The visible ones cause terror. Survivors carry the evidence on their backs into court. The courts, as Part VI.B shows, have sometimes believed them.

Darius Rejali's study of torture in democracies explains the pattern (Part II.C). States that fear scrutiny move to "clean" techniques, such as water, electricity, stress positions and noise, that leave the fewest marks for a doctor or a judge to see. Uganda's security services use clean torture when a court is watching and visible torture when the purpose is fear. The pliers are for the nation. The water is for the magistrate.

B. THE PRESS IN THE CROSSHAIRS

A regime that tortures must also blind the witnesses. Uganda's security forces have learnt that the camera is more dangerous to them than the stone, and they have beaten the people who hold it. Two episodes, four years apart, show the pattern.

At the door of the United Nations: 17 February 2021

On 17 February 2021, Bobi Wine drove to the Office of the UN High Commissioner for Human Rights in Kololo to deliver a petition documenting abductions, torture and killings of his supporters. Journalists followed him. Police held them at a barricade; then two military police vehicles arrived, a commanding officer ordered his men to chase the

media away, and soldiers fell on the reporters with sticks and batons. The Committee to Protect Journalists confirmed that soldiers beat at least ten journalists[149]. The Uganda Journalists Union counted at least twenty injured, four with deep cuts to the head, and its Secretary General called the assault *"brutal, barbaric and heinous"*[150].

The irony could not have been sharper. Soldiers beat journalists for covering a petition against torture, at the gate of the UN body that monitors torture. The UN office itself protested that the conduct breached Uganda's agreement on the safety of UN premises and guests. The Chief of Defence Forces at the time, General David Muhoozi, apologised and promised to pay medical bills. A military disciplinary court sentenced a handful of soldiers to terms of up to three months in a hearing that CPJ criticised as opaque. Three months for cracking skulls at the door of the United Nations: that is the price list of impunity.

Kawempe North: 13 March 2025

Four years later the State returned to the same method on a larger scale. During the Kawempe North parliamentary by-election, called to replace the late Muhammad Ssegirinya, soldiers of the Uganda People's Defence Forces and operatives of the Joint Anti-Terrorism Taskforce assaulted at least eighteen journalists, all clearly identified as press, and confiscated their equipment[151]. Many of the attackers wore masks.

The survivors' accounts read like an interrogation manual. The Daily Monitor photographer Abubaker Lubowa told Reporters Without Borders: *"They made us take off our shirts to cover our eyes"*; the soldiers then ordered the journalists to lie down and struck them with sticks and gun butts, and held some of them for hours in an army van[152]. Spark TV's Hasifah Nanvuma described soldiers leaping from pick-up trucks with whips, beating her and destroying her camera[153]. Nation Media Group withdrew its Daily Monitor and NTV crews from the day's biggest story for their safety; Radio Simba and BBS Terefayina followed[154]. An army spokesperson called the violence a "misunderstanding". Fifteen journalists petitioned the Uganda Human Rights Commission.

---

[149] Soldiers assault journalists at Bobi Wine event, https://cpj.org/2021/02/ugandan-soldiers-assault-journalists-at-bobi-wine-event-face-opaque-military-trial/ (accessed 31 October 2026).

[150] Security personnel beat journalists, https://polity.org.za/article/uganda-security-personnel-beat-journalists-covering-rights-abuse-petition-2021-02-18 (accessed 31 October 2026).

[151] Uganda, March 2025, https://www.idea.int/democracytracker/report/uganda/march-2025 (accessed 31 October 2026).

[152] Army attacks journalists covering election, https://www.solardaily.com/reports/Ugandan_army_attacks_journalists_covering_election_RSF_999.html (accessed 31 October 2026).

[153] The ordeal: how covering Kawempe North felt, https://www.monitor.co.ug/uganda/news/national/the-ordeal-how-covering-kawempe-north-felt-4964532 (accessed 31 October 2026).

[154] Troubling crackdown on Ugandan journalists, https://cpj.org/2025/03/troubling-crackdown-on-ugandan-journalists-ahead-of-2026-elections/ (accessed 31 October 2026).

What the blindfold on a journalist means

When soldiers order reporters to blindfold themselves with their own shirts, they act out the purpose of the whole enterprise. The blindfold on the journalist is the blindfold on the nation. Torture depends on darkness. The journalist's lens is a torch. The African Centre for Media Excellence put the point precisely when it described the attacks as *"the criminalisation of journalism"*[155]. The beating of a journalist is not a separate crime from the torture of a prisoner. It is the same crime, committed in advance, against the record.

C. TWO MOUTHS OF THE STATE

President Yoweri Museveni has written eloquently against torture. His words condemn torture; his command tolerates it; his son announces it; and, when the victim is his chief political rival, his own pen has mocked the injuries.

The words

In May 2017, after photographs of the Kamwenge mayor's septic wounds went viral, the President wrote to the Chief of Defence Forces, the Inspector General of Police and the intelligence chiefs. He set out a careful argument: torture to extract confessions, which he called *okutatsya*, may punish the innocent, induce false confessions and let the real criminal escape. He concluded that *"the use of torture is unnecessary and wrong and must not be used again"*[156].

In October 2018 he wrote again, after a video showed armed men beating a Democratic Party youth leader with gun butts in a Kampala street. Once arrested, he directed, suspects must *"never be beaten by stick, fist or rifle butt"*[157]. In the same letter he advised that an officer bitten by a suspect could lawfully box him hard.

In August 2026, responding to the journalist Andrew Mwenda, he went further: *"I have never tortured, or ordered anybody to torture, an opponent"*[158]. He called torture immoral, counter-revolutionary and not strategic. In the same statement, he recounted with approval how, during the liberation struggle, he had locked a dissenting fighter shirtless in a prison overnight, so that the cold would make him *a good person*. He called it discipline. The jurisprudence of torture has long listed deliberate exposure to cold among the recognised techniques of ill-treatment.

---

[155] ACME condemns brutality, https://www.monitor.co.ug/uganda/news/national/acme-condemns-brutality-of-journalists-in-kawempe-by-election-4964058 (accessed 31 October 2026).

[156] President Museveni speaks out against torture, https://independent.co.ug/president-museveni-speaks-torture (accessed 31 October 2026).

[157] Museveni warns security agencies against torture, https://www.monitor.co.ug/uganda/news/national/museveni-warns-security-agencies-against-torture--1786332 (accessed 31 October 2026).

[158] Museveni: there are criminals inside the State, https://observer.ug/news/museveni-there-are-criminals-inside-the-state/ (accessed 31 October 2026).

The mockery

When the victim was Bobi Wine, the tone changed. On 19 August 2018, while the MP's lawyers described a man who could barely walk or see, the President branded the reports fake news. Army doctors, he wrote, had told him: *"He has no head or chest injuries or bone fractures"*[159]. Days later the world saw Bobi Wine on crutches.

Two years on, the President returned to Arua in a message to his "bazukulu" (grandchildren) on social media. He praised the Special Forces Command for its discipline, then described the hotel arrests: *"These wonderful gentlemen tried to assault our soldiers with punches"*[160]. The soldiers, he went on, punched them back until they subdued them, and he found it very impressive that the soldiers never used guns against Bobi Wine and Zaake, whom he described as making fools of themselves. Of Yasin Kawuma, shot dead in the same operation, the President spoke of mysterious circumstances. NUP spokesman Joel Ssenyonyi later recalled the President saying the Arua detainees were *beaten properly*, and cited it as proof of command[161].

The sarcasm is the confession. A Head of State who believed his own letters would have ordered an inquiry into who dumped an MP unconscious at a hospital gate 450 kilometres from where soldiers arrested him. Instead, the Commander-in-Chief turned the injuries into a joke about "wonderful gentlemen".

The President's ministers took up the same line. In September 2018, on the very day a parliamentary ad hoc committee reported that illegal detention and torture had taken place in Arua, Minister Julius Maganda insisted that the MPs had been *"beaten, not tortured"*[162]. Beating is torture. The good minister did not know.

The record

What the President said	**What the record shows**
May 2017: torture is "unnecessary and wrong and must not be used again"	Human Rights Watch noted at once that the letter called for no investigation and no accountability; its Africa director said such statements smack of public relations[163]
2018: suspects must never be	Soldiers beat Bobi Wine, Zaake and 31 others

[159] Museveni says Bobi Wine not tortured, https://www.theeastafrican.co.ke/tea/news/east-africa/museveni-accuses-media-of-fake-news-says-bobi-wine-not-tortured-1400644 (accessed 31 October 2026).

[160] Bobi Wine dares Museveni, https://www.monitor.co.ug/uganda/news/national/bobi-wine-dares-museveni-on-free-and-fair-elections-1933992 (accessed 31 October 2026).

[161] Government rejects torture allegations, https://allafrica.com/stories/202307130343.html (accessed 31 October 2026).

[162] Bobi Wine was beaten, not tortured, https://nation.africa/kenya/news/africa/bobi-wine-was-beaten-not-tortured-ugandan-minister-84534 (accessed 31 October 2026).

[163] President orders halt to torture, https://www.africanews.com/2017/05/17/ugandan-president-orders-halt-to-torture-in-letter-to-security-chiefs// (accessed 31 October 2026).

What the President said	What the record shows
beaten once arrested	after arrest in Arua; no soldier has been publicly tried for it
2018: Bobi Wine has "no head or chest injuries"	He left the country on crutches for treatment in the United States and reported kidney damage
2020: the SFC acted with discipline in Arua	Zaake spent days in intensive care; Kawuma lay dead
2021: the SFC was holding about 50 people for "treasonable acts"	NUP listed more than 400 missing supporters; survivors described safe-house torture[164]
2020: Parliament's human rights committee recommended prosecuting officers for safe-house torture	The President instead nominated the former Director General of Internal Security, Frank Bagyenda, as ambassador to Angola[165]
2011 onwards: torture is not State policy	The officer filmed pepper-spraying Besigye's eyes was later promoted
August 2026: "I have never tortured, or ordered anybody to torture, an opponent"	His son, the Chief of Defence Forces, had publicly claimed to hold Eddie Mutwe and Erias Lukwago in his "basement", posted their photographs, and remained in command

The doctrine of command

Section 10 of the Prevention and Prohibition of Torture Act, (Cap. 130) answers the President's denial. A superior is liable where he knew, or consciously disregarded information which clearly indicated, that those under his command were committing torture, and failed to prevent it or to submit the matter for investigation and prosecution. The President is Commander-in-Chief under Article 98 of the Constitution. The Chief of Defence Forces answers to him. When the Commander-in-Chief's son announces on a public platform that a captive is in his basement, no commander can plead ignorance. The question the law asks is not whether the President ordered the torture. It is what he did when he was told. On the public record, the answer is: he wrote a letter.

The public record supplies each element of that liability. *Knowledge:* the Chief of Defence Forces announced on his own account that he held Eddie Mutwe in his basement, posted the photograph of Erias Lukwago blindfolded on a tiled floor, and threatened to execute Sam Mugumya (Files 9, 11 and 13). *Notice:* the High Court has found torture by State agents in judgment after judgment, from the Kaweesi suspects to Hon. Francis Zaake and Kakwenza Rukirabashaija (Part VI.B), and the Attorney General

[164] End enforced disappearances of opponents, https://www.hrw.org/news/2021/03/11/uganda-end-enforced-disappearances-opponents (accessed 31 October 2026).

[165] Snatched away by security forces, https://www.hrw.org/news/2022/03/22/interview-snatched-away-security-forces-uganda (accessed 31 October 2026).

answered each of those cases as respondent. No commander can say that information clearly indicating torture never reached the State. *Response:* the State promoted the officer filmed pepper-spraying Dr Besigye (File 1) and, when Parliament's human rights committee recommended prosecutions for safe-house torture, the President nominated the former Director General of Internal Security as an ambassador (see the table above). *Concealment:* habeas corpus returns that denied custody, and that later events proved false (Files 11 and 12), show that those who swear them know the difference between the gazetted cell and the ungazetted one. Section 10 requires no written order to torture. It requires knowledge, or the conscious disregard of clear information, and a failure to prevent or to report. On the public record, each element is present.

D. THE GAP BETWEEN JUDGEMENT AND JUSTICE

The courts' victories share a pattern. They compensate survivors, but almost never convict torturers. When the Kaweesi suspects first showed their wounds, the magistrate said he lacked jurisdiction. As Reuters observed, prosecutions of security personnel for torture have been extremely rare[166]. The Uganda Human Rights Commission's own figures for 2021 recorded 354 torture complaints against the police, 54 per cent of the total, and 135 against the army, 21 per cent[167]. Damages paid by the Attorney General punish the public, not the perpetrator.

The longer record bears out the pattern. The Uganda Human Rights Commission registered 308 complaints of torture in 2020, 49 per cent of all the human rights violations it registered that year, and 267 in 2022, 37 per cent[168]. In 2025 it registered 117 complaints of torture, second only to complaints of deprivation of personal liberty; the police were the respondents in 181 of the 324 complaints it registered, and most complaints came from persons in conflict with the law[169]. The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) recorded 6,230 cases of torture between 2016 and 2020[170], and reached 3,199 victims and survivors of torture between

[166] Uganda's Museveni orders halt to torture by security personnel, *Reuters*, 16 May 2017, https://www.reuters.com/article/world/ugandas-museveni-orders-halt-to-torture-by-security-personnel-idUSKCN18C248/ (accessed 11 November 2026).

[167] Let's use court judgments to fight torture, https://www.monitor.co.ug/uganda/oped/editorial/let-s-use-court-judgments-to-fight-torture-of-suspects-3880536 (accessed 31 October 2026).

[168] Uganda Human Rights Commission and Coalition Against Torture in Uganda, Joint Press Statement on the Commemoration of the International Day in Support of Torture Survivors, 26th June 2023, https://uhrc.ug/joint-press-statement-on-the-commemoration-of-the-international-day-in-support-of-torture-survivors-26th-june-2023/ (accessed 11 November 2026).

[169] Uganda Human Rights Commission, *28th Annual Report on the State of Human Rights and Freedoms in Uganda* (2025), Chapter 9, https://www.uhrc.ug/sites/default/files/2026-09/UHRC%2028th%20Annual%20Report.pdf; Uganda Human Rights Commission Releases 2025 Report, *The Torch Uganda*, 21 May 2026, https://thetorchuganda.com/2026/05/21/uganda-human-rights-commission-releases-2025-report/; UHRC Flags Delayed Justice, Violations of 48-Hour Rule in Latest Report, *Nile Post*, 21 May 2026, https://nilepost.co.ug/lamara%20omara%20apita/343338/uhrc-flags-delayed-justice-violations-of-48-hour-rule-in-latest-report (accessed 11 November 2026).

[170] UHRC: Police neglecting torture cases, *The Independent*, https://independent.co.ug/uhrc-police-neglecting-torture-cases (accessed 11 November 2026).

January 2021 and December 2023[171]. These figures count only those who complained or sought help. They miss the survivor who fears the gaoler, who lives far from the Commission's regional offices, or who never learns that the law protects him. Above all, they miss the survivors of rape and other sexual torture, whom shame and fear silence longer than any others.

Against these thousands of complaints stands a thin criminal record. The State told the UN Committee against Torture in 2022 that the Directorate of Public Prosecutions had concluded hundreds of cases involving torture. The Committee nevertheless found that the police still recorded torture as assault under the Penal Code and did not use the forms the 2017 Regulations prescribe[172]. The State's figures therefore cannot show how many officials, if any, a court convicted of torture under the Act. This Paper has found no record of a conviction for torture of any official implicated in the files in Part VI.

The writ of habeas corpus, which Article 44(d) makes non-derogable, has suffered the worst humiliation. When the High Court ordered Kakwenza produced before Justice Musa Ssekaana in January 2022, his captors rushed him instead to a magistrate who remanded him. When the High Court ordered the production of Agatha Nazziwa in 2026, the army simply denied holding her. A writ that the gaoler can ignore is no longer the Great Writ; it is a polite request.

E. THE VOICES OF CONSCIENCE

The torturer works alone in a locked room, but a crowded hall judges him. The leaders, judges, writers and artists below have entered that hall, and their testimony is unanimous.

Statesmen

Nelson Mandela, who spent twenty-seven years in apartheid's prisons, wrote in *Long Walk to Freedom* (1994): *"No one truly knows a nation until one has been inside its jails."* By that test, Uganda's true face is not the one it shows at investment summits. It is the face a blindfolded detainee sees in the basement.

Mandela's authority on torture rests on more than his own suffering. In 1992 the ANC's internal Skweyiya Commission found that the movement's security department had tortured detainees in its exile camps to extract confessions. The worst abuses occurred at Quatro in Angola, and the Commission also found conditions unacceptable in camps in Tanzania, Zambia and, tellingly, Uganda. The Commission described *"staggering*

[171] African Centre for Treatment and Rehabilitation of Torture Victims, Press Statement Regarding the Situation of Torture, Response and Accountability in Uganda – 2023, https://actvuganda.org/download/statements/PRESS-STATEMENT-REGARDING-THE-SITUATION-OF-TORTURE-AND-RESPONSE-IN-UGANDA-2023.pdf (accessed 11 November 2026).

[172] UN Committee against Torture, Concluding observations on the second periodic report of Uganda, CAT/C/UGA/CO/2 (6 December 2022), https://www.ecoi.net/en/file/local/2083780/G2260115.pdf (accessed 11 November 2026).

brutality"[173]. Mandela did not deny it or call it propaganda. He accepted full responsibility on behalf of the ANC and appointed a second, independent inquiry, the Motsuenyane Commission, which named individuals responsible[174]. A liberation movement that tortures can still choose to tell the truth about it. That choice, made by Mandela, is the choice Uganda's liberators have so far refused.

Barack Obama signed Executive Order 13491 on his second full day in office, 22 January 2009, banning the "enhanced interrogation techniques" of the previous administration and confining American interrogators to the Army Field Manual. Five years later, he refused the euphemisms altogether: *"We tortured some folks"* (press conference, 1 August 2014). His clarity is relevant to Uganda. A nation recovers its honour only when it names the crime plainly.

John McCain, himself tortured as a prisoner of war in Hanoi, argued in the United States Senate that the debate over torture was not about who the prisoners were, but about who Americans are.

Kofi Annan, as UN Secretary-General, put the strategic case: *"Torture can never be an instrument to fight terror, for torture is an instrument of terror."* Uganda's security chiefs, who justify safe houses in the name of counter-terrorism, should read that sentence twice.

Martin Luther King Jr, writing from a Birmingham jail in 1963, reminded the world that *"injustice anywhere is a threat to justice everywhere."* **Elie Wiesel**, survivor of Auschwitz, said in his Nobel acceptance speech (1986): *"Neutrality helps the oppressor, never the victim."* Desmond Tutu said the same.

King knew the cell from the inside. In the same letter from a Birmingham jail, he refused the clergy's praise of Birmingham's police, citing "their ugly and inhuman treatment of Negroes here in the city jail": old women pushed and cursed, old men and boys slapped and kicked, food withheld. John Lewis, beaten unconscious on the Freedom Rides of 1961 and held at Mississippi's Parchman penitentiary, where guards made the riders strip on arrival, suffered a fractured skull at the hands of Alabama state troopers on the Edmund Pettus Bridge on 7 March 1965, "Bloody Sunday". He spent the rest of his life urging "good trouble".

Africa's own statesmen have both suffered and practised the detention without trial on which torture feeds. Kwame Nkrumah, a prisoner of the British in 1950, became the author of Ghana's Preventive Detention Act, under which his rival J. B. Danquah died in a cell at Nsawam in 1965 (Part II.E). Jomo Kenyatta, imprisoned by the British after the

---

[173] Motsuenyane Commission finds ANC guilty of abuse in its camps, https://sahistory.org.za/dated-event/motsuenyane-commission-finds-african-national-congress-anc-guilty-abuse-its-camps (accessed 31 October 2026).

[174] Report on ANC detention camps is released, https://sahistory.org.za/dated-event/report-anc-detention-camps-released (accessed 31 October 2026).

Kapenguria trial, detained the novelist Ngũgĩ wa Thiong'o without trial in 1977. Mandela, alone among them, accepted responsibility for the torture committed in his movement's name. The lesson is the same in Accra, Nairobi and Kampala. The liberator who keeps the colonial power of arbitrary detention will, in time, use the colonial methods that came with it.

Jurists

Lord Hoffmann, in *A v Secretary of State for the Home Department (No 2)* [2005] UKHL 71, wrote that *"the use of torture is dishonourable"*; in the same case **Lord Bingham** traced five centuries in which the common law had regarded torture and its fruits with abhorrence. **Judge Irving Kaufman** of the United States Court of Appeals declared in *Filártiga v Peña-Irala* (1980) that the torturer has become, like the pirate and the slave trader before him, *hostis humani generis*: an enemy of all mankind. **President Aharon Barak** of the Supreme Court of Israel, outlawing "moderate physical pressure" in 1999, accepted that *"a democracy must sometimes fight with one hand tied behind its back"*, and insisted it still holds the upper hand.

Uganda's bench has spoken too. In August 2018, as the Arua detainees limped into court, **Chief Justice Bart Katureebe** warned security forces to *"arrest them like humans not animals"* and refused to accept prisoners brought to court bleeding[175].

The judges of the world have answered every excuse Uganda offers in words that belong in every Ugandan submission:

- **India.** In *D.K. Basu v State of West Bengal* (1997) 1 SCC 416, Justice A. S. Anand wrote: "'Custodial torture' is a naked violation of human dignity and degradation which destroys, to a very large extent, the individual personality. It is a calculated assault on human dignity and whenever human dignity is wounded, civilisation takes a step backward—flag of humanity must on each such occasion fly half-mast."

- **South Africa.** Abolishing judicial whipping in *S v Williams* [1995] ZACC 6, Justice Pius Langa recorded "a growing consensus in the international community that judicial whipping, involving as it does the deliberate infliction of physical pain on the person of the accused, offends society's notions of decency".

- **The Americas.** In *Tibi v Ecuador* (2004), paragraph 143, the Inter-American Court held that "there is an international legal system that absolutely forbids all forms of torture, both physical and psychological, and this system is now part of jus cogens".

[175] Stop torture of Ugandans, says Chief Justice, https://www.pressreader.com/south-africa/the-citizen-gauteng/20180901/281672550816570 (accessed 31 October 2026).

- **The African Commission.** In *Media Rights Agenda v Nigeria*, Communication 224/98 (2000), the Commission held that the prohibition of cruel, inhuman or degrading treatment is "to be interpreted so as to extend to the widest possible protection against abuses, whether physical or mental".

- **The United States.** Dissenting in *United States v Zubaydah* (2022), where the State invoked secrecy to avoid testimony about a prisoner it had waterboarded more than 80 times, Justice Neil Gorsuch wrote: "**There comes a point where we should not be ignorant as judges of what we know to be true as citizens**." And he ended: "This Court's duty is to the rule of law and the search for truth. We should not let shame obscure our vision." A Ugandan judge asked to disbelieve a scar that every citizen has seen on social media may borrow both sentences.

Playwrights

The stage confronted torture long before the treaty did. In Aeschylus' *Prometheus Bound*, the god who gave fire to humanity is chained to a rock by the agents of a new tyrant, while the smith who must drive the nails obeys with disgust: the first reluctant torturer in literature. In Thomas Kyd's *The Spanish Tragedy* (c. 1587), a prisoner bites out his own tongue rather than speak under torture. Peter Weiss built *The Investigation* (1965) entirely from testimony at the Frankfurt Auschwitz trials, including witnesses' accounts of the "Boger swing", an interrogation device named after the Gestapo officer who used it; he refused to invent, because the testimony was the drama.

In Harold Pinter's *One for the Road* (1984), the interrogator Nicolas drinks, chats and quotes scripture while, off-stage, his men rape his prisoner's wife and kill his young son. In 1985 Pinter travelled to Turkey with Arthur Miller for PEN to investigate the torture of writers, and in *Mountain Language* (1988) a minority people's language is simply forbidden in a prison visiting room. Ariel Dorfman's *Death and the Maiden* (1990), written as Chile's truth commission prepared to report only on the dead, asks what a survivor of torture may do when the torturer walks into her living room and the State offers her no trial.

Africa's playwrights wrote from inside the cell. Wole Soyinka, detained without trial for some twenty-two months during the Nigerian Civil War, wrote *Madmen and Specialists* (1970), in which Dr Bero gives up medicine to become an intelligence "specialist" and imprisons, torments and finally shoots his own father. The doctor turned torturer is Soyinka's central image, and it is a warning to every medical officer asked to certify a detainee fit for more. Ngũgĩ wa Thiong'o and Mĩcere Mũgo's *The Trial of Dedan Kimathi* (1976) puts the Mau Mau leader through a series of "trials" by the colonial interrogator Henderson. He does not give in. Uganda's own John Ruganda set *The Floods* (1980) under the shadow of the State Research Bureau, whose head, Bwogo, presides over the killing of a nation. And the Ugandan playwright Byron Kawadwa paid the price his colleagues only described. In 1977, shortly after the Kampala City Players returned from FESTAC '77 in Lagos, where his play *Oluyimba lwa Wankoko* had represented Uganda,

men of Amin's security apparatus abducted him from the National Theatre in Kampala. Passers-by later found his body dumped at Namanve.

Writers and thinkers

Wole Soyinka, detained without trial for nearly two years during the Nigerian civil war, wrote the epigraph of every prisoner of conscience in *The Man Died* (1972): *"The man dies in all who keep silent in the face of tyranny."* **Ngũgĩ wa Thiong'o**, held without charge at Kamiti Maximum Security Prison in 1978, wrote *the novel Devil on the Cross on prison toilet paper and then the memoir Detained: A Writer's Prison Diary*, proving that the State can cage a novelist but not a novel. Uganda's own **Kakwenza Rukirabashaija** continued that lineage with *Banana Republic: Where Writing is Treasonous*.

George Orwell gave the twentieth century its image of totalitarian power in *Nineteen Eighty-Four*: *"imagine a boot stamping on a human face — for ever."* **Hannah Arendt** warned, after watching Eichmann's trial, that ordinary functionaries following orders usually carry out great evil. Uganda's torturers are men on a payroll. **Aleksandr Solzhenitsyn**, survivor of the Gulag, observed that the line between good and evil runs not between nations or parties but through every human heart. Every soldier ordered to the basement still has a choice.

The survivors wrote the most exact accounts. **Primo Levi**, deported to Auschwitz in 1944, recorded in *If This Is a Man* (1947) a fellow prisoner's lesson that the camp could strip a man of everything but one last power, *"the power to refuse our consent."* Four decades later, in *The Drowned and the Saved* (1986), he warned that the survivors are not the true witnesses, because those who suffered the worst did not return to testify. **Henri Alleg**, editor of *Alger Républicain*, endured electric shocks and near-drowning at the hands of French paratroopers in Algiers in 1957 and smuggled his account out of prison. When *La Question* appeared in 1958, the French government banned it, and the ban made it famous. **Jacobo Timerman**, the Buenos Aires publisher whom armed men in civilian clothes took from his home in April 1977, spent thirty months in the junta's prisons and described in *Prisoner Without a Name, Cell Without a Number* (1981) how torture sets out to erase the person along with his name. **Steve Biko**, whose death from head injuries in South African police custody in 1977 Peter Gabriel mourned in song (below), had already named the torturer's true target: *"The most potent weapon in the hands of the oppressor is the mind of the oppressed."* The shaven head and the blindfolded photograph posted for the nation to see aim at that weapon.

In Chinua Achebe's *Anthills of the Savannah* (1987), the security forces take the editor Ikem Osodi from his home in the middle of the night. The State then broadcasts that guards shot him in a struggle while they detained him for questioning. No Ugandan reader needs the parallel drawn. In *Things Fall Apart*, as Part II.E shows, Achebe had already described the shaving and whipping of prisoners by the District Commissioner's messengers.

American writers named the same crimes in their own country. James Baldwin, reporting on police beatings in Harlem in “A Report from Occupied Territory” (1966), called the police “the hired enemies of this population” and set out the principle in one sentence: “**The law is meant to be my servant and not my master, still less my torturer and my murderer**.” In his story “Going to Meet the Man” (1965), a Southern deputy sheriff beats a jailed civil rights leader and shocks him with a cattle prod to stop the protesters singing. The deputy then remembers how his parents took him, as a boy of eight, to watch a lynching. It is literature’s most exact account of how a society makes a torturer. Toni Morrison, accepting the Nobel Prize in 1993, warned that “**Oppressive language does more than represent violence; it is violence**”, and that there would always be “diplomatic language to countenance rape, torture, assassination”. Every army statement that calls a basement a “facility” proves Toni Morrison right. Maya Angelou, raped as a child and believing that her testimony had caused her attacker’s death, stopped speaking for about five years. Her memoir took its title from Paul Laurence Dunbar’s poem of the caged bird that “beats his wing / Till its blood is red on the cruel bars” (1899). It is Scarry’s unmaking of the voice, lived and then recovered.

Poets

The poets reached the truth first. **Shakespeare** gave Gloucester, blinded in *King Lear*, the cry of every victim of arbitrary power: *"As flies to wanton boys are we to the gods, / They kill us for their sport."* No line better describes a general who boasts on social media of shaving a captive's head. **William Blake** in "London" (1794) heard *"the mind-forg'd manacles"* in every cry. **Oscar Wilde**, broken by hard labour, wrote in *The Ballad of Reading Gaol* (1898): *"The vilest deeds like poison weeds / Bloom well in prison-air."* And **Percy Bysshe Shelley**, after the Peterloo massacre, wrote the line that every frightened regime fears: *"Ye are many — they are few."* South Africa's **Dennis Brutus**, shot and imprisoned on Robben Island, wrote his *Letters to Martha* about the slow violence of the cell, and **Stella Nyanzi,** jailed in Luzira over a poem, answered with a collection of prison poems, No Roses from My Mouth.

The poets of the twentieth century wrote from the queue and the cell. Anna Akhmatova stood for seventeen months in the queues outside a Leningrad prison while Stalin’s police held her son in the purges. In the prose preface to *Requiem*, a woman with lips blue from cold asks whether she can describe this, and Akhmatova answers: “I can.” Those two words are the creed of every human rights report. Osip Mandelstam, arrested for a sixteen-line epigram mocking Stalin, died in a transit camp in 1938. Paul Celan’s “Todesfuge” made the camps’ music part of their cruelty. Carolyn Forché’s prose poem “The Colonel” (1978) records a dinner in El Salvador at which an officer empties a sack of dried human ears on the table. Wisława Szymborska’s “Tortures” argues that nothing about torture has changed across history but the borders and the excuses.

Africa’s poets wrote from the same places. Jack Mapanje, detained without charge in Malawi’s Mikuyu prison from 1987 to 1991, and Abdellatif Laâbi, tortured and

imprisoned in Morocco from 1972 to 1980, kept writing. Detainees at Guantánamo Bay, denied paper, scratched lines of verse on styrofoam cups; twenty-two poems by seventeen detainees were later published. Langston Hughes, in “Song for a Dark Girl” (1927), joined the lynching tree to the cross: “Way Down South in Dixie / (Break the heart of me) / They hung my black young lover / To a cross roads tree.” In 1931 his “Christ in Alabama”, written for the Scottsboro case, made Christ a beaten Black man of the South. Uganda’s poets belong in this company: Stella Nyanzi, above, and every Ugandan who has written a poem in a cell the State says does not exist.

Musicians and artists

Song has carried the memory of torture where reports could not. **Peter Gabriel**'s "Biko" (1980) mourned Steve Biko, who died of head injuries inflicted in South African police custody in 1977. **Sting**'s "They Dance Alone" (1987) honoured the women of Chile who danced with photographs of their disappeared men. **Bob Marley**'s "Get Up, Stand Up" turned resistance into a hymn. In Uganda, **Bobi Wine**'s "Freedom" (2017) became the anthem of the People Power movement; in August 2018, human rights activists danced to it in Kampala as they condemned his detention.

The artistic world answered the Arua torture. Chris Martin, Angélique Kidjo, Femi Kuti, Brian Eno and Chrissie Hynde were among the musicians who signed an open letter condemning the *"vicious"* treatment of their fellow artist[176]. The Ugandan State can beat a singer. It cannot silence a song.

Musicians have paid for their songs with their bodies. Soldiers arrested the Chilean singer Víctor Jara on 12 September 1973, the day after Pinochet’s coup, held him in a Santiago stadium and beat him; his body later surfaced with more than forty bullet wounds. In August 2023 Chile’s Supreme Court finally upheld the convictions of the officers responsible, fifty years later.

Greek governments exiled Mikis Theodorakis to the island prison of Makronisos, and the junta later banned his music.

In Nigeria, about a thousand soldiers stormed Fela Anikulapo-Kuti’s Kalakuta Republic on 18 February 1977, beat its residents and threw his mother from a window. She died of her injuries the following year. The official inquiry blamed an “unknown soldier”, and Fela made that phrase the title of his answer. No song better describes the Ugandan State’s defence. The soldiers in the drone are always unknown. In Rwanda, the gospel singer Kizito Mihigo, imprisoned over a hymn that mourned all the dead of 1994, died in a police cell in February 2020.

The Western popular canon joined them. Bob Marley, shot at his Kingston home on 3 December 1976, two days before a peace concert, sang “Redemption Song” to Marcus

[176] Stars protest lawmaker's beating, https://www.pressreader.com/usa/las-vegas-review-journal/20180823/281741270275111 (accessed 31 October 2026).

Garvey's words: "We are going to emancipate ourselves from mental slavery because whilst others might free the body, none but ourselves can free the mind."

Nina Simone's "Mississippi Goddam" (1964) answered the murder of Medgar Evers and the bombing of a Birmingham church, and refused the counsel to "go slow". Bob Dylan sang the deaths of Emmett Till, Hattie Carroll and the prisoner George Jackson.

John Lennon's "Sunday Bloody Sunday" (1972) mourned the marchers shot in Derry while protesting internment without trial, the same internment whose "five techniques" the European Court condemned in *Ireland v United Kingdom*.

The Rolling Stones' "Undercover of the Night" (1983) took on the death squads and disappearances of Latin America.

Michael Jackson's "They Don't Care About Us" (1995), in Spike Lee's prison film, cut the singer in a cell with real footage of the police beating of Rodney King. And in South Africa, Lucky Dube sang of a prisoner staring at four grey walls while a policeman told him the State would build prisons instead of schools.

Painters have given torture its most lasting images. Francisco de Goya's *Disasters of War* (1810–20) and Pablo Picasso's *Guernica* (1937) are the classics. Fernando Botero answered the photographs from Abu Ghraib with some eighty paintings and drawings (2004–05), and refused to sell any of them. He wanted them kept as testimony. Uganda's basement photographs await their Botero.

What the witnesses teach

Across these playwrights, poets, singers and painters, the same strategies recur. They name the specific instruments of pain: the whip, the bit, the cell, the club, the cattle prod, the drone. They insist that physical and mental degradation are one injury. They refuse the names the torturer gives his victims. And most choose testimony over revenge. The Ugandan State can abduct a singer, a novelist, a poet or an advocate. It has never yet succeeded in abducting the song, the novel, the poem or the record of the case.

F. THE WORLD IS WATCHING

For two decades the foreign press has documented what Uganda's government denies. Its reports agree on the facts, differ only in tone, and record the State's denials alongside the survivors' scars.

The Guardian

In April 2021 *The Guardian* published survivors' testimony under a headline borrowed from one of them: *"It was a torture chamber"*[177]. The paper called the post-election

[177] 'It was a torture chamber', https://www.pressreader.com/usa/the-guardian-usa/20210423/281517933963116 (accessed 31 October 2026).

abductions the worst wave of repression in Uganda for decades. It described detainees beaten on their joints and genitals with wires, burnt with cigarettes and stripped of their fingernails, and an electrician from Gomba who said soldiers beat him until he lost the sight of one eye after he admitted voting for Bobi Wine. It also noted the uncomfortable truth for Western capitals. Uganda has received many billions of dollars in development and security assistance from the United States and the United Kingdom.

The BBC

The BBC has followed the story across two eras. In 2006, BBC Online reported Human Rights Watch's demand that Uganda shut its safe houses after the businessman Abdu Semugenyi allegedly died under electrocution in one in an upscale Kampala suburb[178]. In May 2017, reporting the President's letter against torture, the BBC observed that Ugandan newspapers had published photographs of the Kaweesi murder suspects bearing visible injuries in court[179].

Reuters, the Associated Press and AFP

The wire services have provided the daily record. Reuters carried the Justice Minister's own admission that Eddie Mutwe bore signs of torture and Human Rights Watch's warning in 2017 that torture in Uganda was *"overlooked and ignored on a daily basis"*[180]. The Associated Press transmitted Bobi Wine's words from Washington in 2018, that soldiers *"violated me as if they were beasts"*[181]. AFP broke the Kawempe journalists' testimony and, later, the footage of Sam Mugumya smuggled out by a former military intelligence officer.

American and broadcast media

In April 2021, a major American newspaper report from Kampala, syndicated across the United States, described detainees hooded, drugged and beaten, some *"left to stand in cellars filled with water up to their chests"*[182]. It recorded a district councillor's account of how officers chained him to the ceiling of military intelligence headquarters and whipped him while others tore at his skin with pliers. CNN published Bobi Wine's first detailed account of Arua in September 2018; Al Jazeera carried the Justice Minister's statement on Eddie Mutwe in May 2025. Britain's *Daily Telegraph*, before the 2007 Commonwealth

---

[178] Uganda accused of torture, https://globalnyt.dk/uganda-beskyldes-tortur/ (accessed 31 October 2026).

[179] Museveni warns against torture, https://graphiconline.com/international/africa/museveni-warns-against-torture-use.html (accessed 31 October 2026).

[180] President orders halt to torture, https://www.africanews.com/amp/2017/05/17/ugandan-president-orders-halt-to-torture-in-letter-to-security-chiefs/ (accessed 31 October 2026).

[181] Ugandan police charge fifth opposition lawmaker, https://www.washingtontimes.com/news/2018/sep/3/ugandan-police-charge-5th-opposition-lawmaker-with/ (accessed 31 October 2026).

[182] Abductions, torture rattling Uganda, https://www.pressreader.com/usa/the-morning-call/20210413/281651077927468 (accessed 31 October 2026).

summit in Kampala, quoted a safe-house survivor who described a jerrycan of water emptied over his bound head until he could not breathe[183].

The New York Times and The Economist

In July 2023, *The New York Times* reported the filing at the International Criminal Court of testimonies from more than 200 Ugandans accusing 26 officials, including the President and his son, of torture and crimes against humanity after the 2021 elections[184]. *The Guardian*, briefed on the same filing, described testimony of toenails pierced with needles, teeth forcibly removed, noise torture and electric shocks[185]. The President's deputy press secretary dismissed the accusers as political opponents.

On 8 October 2026, *The New York Times* published Megan K. Stack's essay "The Authoritarian Future Is Already Here", reported from Kampala. It described the General's critics as risking the "basement", *"his nickname for the torture chambers he brags about on social media"*[186], and it recorded the raid on, and month-long closure of, a powerful independent media company. Two days later the army denounced the essay as imperialist propaganda. The same army statement also attacked *The Economist*'s September 2026 article "From Autocracy to Despotism"[187]. When a national army issues statements to rebut two of the world's most influential publications, the title of the second becomes a verdict that it cannot unsay.

Further reporting in the major international outlets

The table below lists the reports by title and date for the reader to consult; the passages quoted after the table come from excerpts of those pages supplied to the author.

Outlet	Date	Title and author	Subject
The Economist	13 January 2022	The Ugandan state unlawfully detains a novelist[188]	The detention of Kakwenza Rukirabashaija
The Economist	23 March 2021	The Ugandan army has abducted hundreds of	The post-election abductions and

[183] Evidence points to routine use of torture, https://humanrightshouse.org/articles/evidence-points-to-routine-use-of-torture-by-ugandan-government/ (accessed 31 October 2026).

[184] Museveni, Muhoozi accused of torture at ICC, https://www.pulse.ug/news/museveni-muhoozi-accused-of-torture-testimonies-submitted-to-international-court/3mf4vsn (accessed 31 October 2026).

[185] President and son accused in ICC testimony, https://www.ictj.org/es/node/36049 (accessed 31 October 2026).

[186] The Authoritarian Future Is Already Here, https://www.genocidewatch.com/single-post/the-authoritarian-future-is-already-here-in-uganda (accessed 31 October 2026).

[187] UPDF calls NYT report imperialist propaganda, https://www.ugbulletin.co.ug/gen-muhoozi-has-never-met-kakwenza-new-york-times-report-is-imperialist-propaganda-says-updf/ (accessed 31 October 2026).

[188] The Ugandan state unlawfully detains a novelist, https://www.economist.com/culture/2022/01/13/the-ugandan-state-unlawfully-detains-a-novelist (accessed 31 October 2026).

Outlet	Date	Title and author	Subject
		opposition activists[189]	detainees' accounts of torture
The Wall Street Journal	4 September 2025	He jokes about Trump and invading Kenya, and may be Uganda's next president[190], Michael M. Phillips	General Muhoozi's social-media boasts, threats and succession politics
The Guardian	4 July 2023	Kakwenza Rukirabashaija on torture, exile and why he keeps fighting[191], Emma Graham-Harrison	The novelist's torture and exile
The Guardian	22 April 2021	'It was a torture chamber': Ugandans abducted in vicious crackdown[192], Jason Burke	The post-election abductions (discussed above)
The New York Times	29 July 2020	My Torture at the Hands of America's Favorite African Strongman[193], Bobi Wine	The survivor's own account of Arua and the assaults on opposition MPs
The Guardian	25 August 2018	Uganda's brutal treatment of MPs is enabled by global indifference[194], Robert Amsterdam	Arua and the case for Magnitsky-style sanctions

The titles alone are an indictment. Within seven years, four of the most influential publications in the English-speaking world had printed the words *torture*, *abducted*, *brutal* and *unlawfully* beside the name of Uganda. Uganda's best-known survivor, Bobi

[189] The Ugandan army has abducted hundreds of opposition activists, https://www.economist.com/middle-east-and-africa/2021/03/23/the-ugandan-army-has-abducted-hundreds-of-opposition-activists (accessed 31 October 2026).

[190] He jokes about Trump and invading Kenya, and may be Uganda's next president, https://www.wsj.com/world/africa/uganda-president-son-jokes-7b2ff2ff (accessed 31 October 2026).

[191] Kakwenza Rukirabashaija on torture, exile and why he keeps fighting, https://www.theguardian.com/global-development/2023/jul/04/my-children-ask-what-happened-to-me-ugandan-author-kakwenza-rukirabashaija-on-torture-exile-and-why-he-keeps-fighting (accessed 31 October 2026).

[192] 'It was a torture chamber': Ugandans abducted in vicious crackdown, https://www.theguardian.com/world/2021/apr/22/torture-abducted-uganda-crackdown-museveni (accessed 31 October 2026).

[193] My Torture at the Hands of America's Favorite African Strongman, https://www.nytimes.com/2020/07/29/opinion/uganda-museveni-repression.html (accessed 31 October 2026).

[194] Uganda's brutal treatment of MPs is enabled by global indifference, https://www.theguardian.com/commentisfree/2018/aug/25/uganda-torture-bobi-wine-human-rights-museveni-magnitsky-act (accessed 31 October 2026).

Wine, put his own testimony on the opinion pages of The New York Times. The State cannot claim that the world does not know.

In their own words

The New York Times. In July 2020, Bobi Wine took his testimony to America's paper of record. He recounted the killing of Yasin Kawuma in the passenger seat where he usually sat, the arrest of 34 people in Arua, and his journey to the United States on crutches. He described Francis Zaake, once strapping and healthy, now walking with a cane after the April 2020 beatings, and put the question the Ugandan State has never answered: *"Why torture an elected member of Parliament?"*[195].

The Guardian, 2018. Writing during the Arua detentions, Robert Amsterdam relayed the family's account that soldiers had subjected Bobi Wine's face, torso, legs and genitals to *"repeated heavy punches and kicks"*, and that his captors had given him so many injections of unknown drugs that he lost count and consciousness. He reported allegations that soldiers tied a rope around Zaake's neck and beat him unconscious, leaving him with dislocated discs and a badly injured neck, and recalled that State agents had broken MP Betty Nambooze's spine in an attack inside Parliament in September 2017[196].

The Guardian, 2023. Emma Graham-Harrison found Kakwenza in German exile, still wearing long sleeves in summer so that his children would not see the welts on his back and the craters in his thighs where his torturers ripped away flesh. Doctors told him his fractured ankles might take years to heal. He told her the scars trigger trauma whenever he sees them: *"So I decided to turn off the light when I shower"*[197]. A man who must bathe in darkness to avoid his own body is the living definition of Améry's sentence: whoever was tortured, stays tortured.

The Economist, 2021. The paper opened its account of the post-election abductions with "Michael", hooded and held for six weeks in a cell beneath military intelligence headquarters, beaten with gun butts and sticks while soldiers asked him: *"Do you know*

[195] My Torture at the Hands of America's Favorite African Strongman, https://www.nytimes.com/2020/07/29/opinion/uganda-museveni-repression.html (accessed 31 October 2026).

[196] Uganda's brutal treatment of MPs is enabled by global indifference, https://www.theguardian.com/commentisfree/2018/aug/25/uganda-torture-bobi-wine-human-rights-museveni-magnitsky-act (accessed 31 October 2026).

[197] Kakwenza Rukirabashaija on torture, exile and why he keeps fighting, https://www.theguardian.com/global-development/2023/jul/04/my-children-ask-what-happened-to-me-ugandan-author-kakwenza-rukirabashaija-on-torture-exile-and-why-he-keeps-fighting (accessed 31 October 2026).

that this country has its owners?"[198]. No sentence better captures the ideology behind the basement: the citizen is a tenant, and the landlord beats the tenant who complains.

The Economist, 2022. Reporting Kakwenza's detention in defiance of court orders, the paper recorded his wife's account of the only time she saw him: he was limping, in bloodstained underwear, and *"struggled to hold down a glass of milk"*[199].

The Wall Street Journal, 2025. Michael M. Phillips catalogued the General's jokes on social media: likening himself to Gandhi without the non-violence, challenging Jay-Z to a duel, musing about capturing Nairobi. Among them he listed the boast of torturing Bobi Wine's bodyguard in his basement, then added: *"Except that last one wasn't a joke"*[200]. In one line, the Journal stripped away the defence the army offers for every post: that it is only banter.

The State's answer

Fairness requires the record of the denials, and the denials are themselves evidence. An army spokesman, Paddy Ankunda, once told reporters: *"It's not torture, it's interrogation"*[201]. A Minister for Internal Security insisted there were no safe houses in Uganda. In 2017 police spokesman Asan Kasingye told Reuters that torture was not the force's method of work, even as thirteen suspects showed the court their wounds. In 2021 a military spokesman defended unmarked vans as a method used against "hard-core criminals" the world over. In 2023 a deputy presidential press secretary dismissed testimony submitted to the International Criminal Court as propaganda. Army spokesman Chris Magezi called Lt Mabonga's videos "rubbish". Each denial follows the same script, and a court, a photograph or the Chief of Defence Forces' own account on X contradicts each one.

G. INCOMMUNICADO DETENTION: TORTURE BY CONCEALMENT

Of the methods the Ugandan State uses against those it detains, none is more routine, and none more readily excused, than incommunicado detention. Unidentified operatives, often in unmarked vehicles, take a person and hold them where no family member, lawyer or doctor can reach them. Their family does not know where they are. No one tells a court. No one opens a record. The State regards this as an administrative irregularity at worst. Ugandan law regards it as torture.

---

[198] The Ugandan army has abducted hundreds of opposition activists, https://www.economist.com/middle-east-and-africa/2021/03/23/the-ugandan-army-has-abducted-hundreds-of-opposition-activists (accessed 31 October 2026).

[199] The Ugandan state unlawfully detains a novelist, https://www.economist.com/culture/2022/01/13/the-ugandan-state-unlawfully-detains-a-novelist (accessed 31 October 2026).

[200] He jokes about Trump and invading Kenya, and may be Uganda's next president, https://www.wsj.com/world/africa/uganda-president-son-jokes-7b2ff2ff (accessed 31 October 2026).

[201] Human Rights House, https://humanrightshouse.org/?p=5365 (accessed 31 October 2026).

The Prevention and Prohibition of Torture Act, (Cap. 130) gives effect to Articles 24 and 44(a) of the Constitution, which together make freedom from torture and cruel, inhuman or degrading treatment absolute and non-derogable. Section 2 defines torture to include any act or omission by which severe pain or suffering, "whether physical or mental", is intentionally inflicted.[202] The Second Schedule then lists the acts that constitute torture. Under item 2, mental or psychological torture, paragraph (c) includes "confining a victim incommunicado, in a secret detention place or other form of detention". Parliament did not treat incommunicado detention as a risk factor for torture or a setting in which torture may occur. It listed it as torture. Section 3 closes the remaining escape routes: war, political instability, public emergency and superior orders are not defences.

The Constitution sets out what incommunicado detention takes away. Article 23 requires the State to tell an arrested person the reasons for the arrest, to inform the next-of-kin, to allow the next-of-kin, lawyer and personal doctor reasonable access, and to produce the person in court within 48 hours. Article 44(d) makes the right to habeas corpus non-derogable. Incommunicado detention is the deliberate suspension of every one of these safeguards at once. That is why the intent the Act requires is not hard to prove: concealment does not happen by accident.

The High Court has given effect to the statute. In *Rights Trumpet & 2 Others v AIGP Asan Kasingye & 5 Others* [2020] UGHC 42, at page 28,[203] Mutonyi J found that officers had tortured a detainee whom they blindfolded and denied knowledge of where they held her. The court held that denying a suspect knowledge of the specific location of their detention "implies that the suspect is incarcerated incommunicado and the intention is to ensure that his or her family does not know where their relative is detained". The court reasoned that such concealment "helps to conceal the tormentor" and "instills fear", and concluded that "[t]his kind of treatment is torture on all fours". It added that "[a]ny single act of torture amounts to torture. One does not have to use all the listed acts of torture."

In *Agaba v Attorney General & 3 Others* [2019] UGHCCD 226,[204] Ssekaana J held the State vicariously liable, and the officers personally liable, for incommunicado arrest and torture. In *Obongo v Attorney General* [2022] UGHCCD 255,[205] Wamala J relied expressly on item 2(c) of the Second Schedule and held that ten days of incommunicado detention before arraignment amounted to mental and psychological torture. In *Turyamuhika*

[202] Prevention and Prohibition of Torture Act, (Cap. 130), https://ulii.org/akn/ug/act/2012/3 (accessed 8 November 2026).

[203] *Rights Trumpet & 2 Others v AIGP Asan Kasingye & 5 Others and Mucunguzi Abel & 9 Others v Attorney General & 2 Others* (Consolidated Miscellaneous Causes No. 17 and 3 of 2017) [2020] UGHC 42 (15 May 2020), p. 28.

[204] *Agaba v Attorney General & 3 Others* (Civil Suit No. 247 of 2016) [2019] UGHCCD 226 (20 December 2019), https://ulii.org/en/akn/ug/judgment/ughccd/2019/226/eng@2019-12-20 (accessed 8 November 2026).

[205] *Obongo v Attorney General* (Miscellaneous Cause No. 224 of 2021) [2022] UGHCCD 255 (12 December 2022), https://ulii.org/akn/ug/judgment/ughccd/2022/255/eng@2022-12-12 (accessed 8 November 2026).

Geofrey Tumwine v Attorney General [2023] UGHCCD 383,[206] Odoki J held that the applicant's being "blindfolded and kept incommunicado (denied communication with his next of kin, lawyer and doctor) amounts to mental and psychological torture". In *Kakwenza Rukirabashaija v Attorney General* [2024] UGHCCD 161,[207] Wamala J declared that seven days of incommunicado detention, including at CMI Mbuya, together with beatings and other abuse, "amounted to torture, cruel, inhuman and degrading treatment" in breach of Articles 24 and 44(a). Most recently, in *Otim Boniface Oketa v Attorney General* [2026] UGHCCD 109,[208] Acellam J condemned prolonged incommunicado military detention and an arraignment designed to defeat a habeas corpus application.

The Court of Appeal has removed the State's most common defence. In *Wanyoto v Sgt Ouma & Another* [2022] UGCA 185,[209] it held that medical proof of torture is not strictly required. This matters most for incommunicado detention, whose injury is to the mind and leaves no mark a medical examiner can photograph. A court that insists on a medical report for psychological torture reads the Second Schedule out of the Act.

Uganda's courts are applying a principle the international and regional systems settled long ago. In *El-Megreisi v Libyan Arab Jamahiriya* (Communication No. 440/1990),[210] the UN Human Rights Committee held that prolonged incommunicado detention in an unknown location was torture and cruel treatment under Articles 7 and 10(1) of the ICCPR. The Inter-American Court of Human Rights held in *Velásquez Rodríguez v Honduras* (1988)[211] and *Suárez Rosero v Ecuador* (1997)[212] that prolonged isolation and deprivation of communication are in themselves cruel and inhuman treatment. The African Commission on Human and Peoples' Rights condemned incommunicado detention as a violation of Article 5 of the African Charter in *Article 19 v Eritrea* (Communication No. 275/2003).[213] The Robben Island Guidelines (2002) and the Luanda Guidelines (2014)[214] oblige States to prohibit it and to close unofficial places of

---

[206] *Turyamuhika Geofrey Tumwine v Attorney General* (Miscellaneous Cause No. 308 of 2019) [2023] UGHCCD 383 (22 September 2023).

[207] *Kakwenza Rukirabashaija v Attorney General* (Miscellaneous Cause No. 35 of 2021) [2024] UGHCCD 161 (23 October 2024).

[208] *Otim Boniface Oketa v Attorney General* (Miscellaneous Cause No. 129 of 2024) [2026] UGHCCD 109 (11 March 2026), https://ulii.org/en/akn/ug/judgment/ughccd/2026/109/eng@2026-03-11 (accessed 8 November 2026).

[209] *Wanyoto v Sgt Ouma and Another* (Civil Appeal No. 91 of 2021) [2022] UGCA 185 (8 July 2022), https://ulii.org/akn/ug/judgment/ugca/2022/185/eng@2022-07-08 (accessed 8 November 2026).

[210] Human Rights Committee, *El-Megreisi v Libyan Arab Jamahiriya*, Communication No. 440/1990, Views of 23 March 1994, UN Doc CCPR/C/50/D/440/1990.

[211] *Velásquez Rodríguez v Honduras*, Inter-American Court of Human Rights, Judgment of 29 July 1988, Series C No. 4.

[212] *Suárez Rosero v Ecuador*, Inter-American Court of Human Rights, Judgment of 12 November 1997, Series C No. 35.

[213] African Commission on Human and Peoples' Rights, *Article 19 v Eritrea*, Communication No. 275/2003 (2007).

detention. The UN General Assembly, in Resolution 60/148 (2005),[215] has recognised that prolonged incommunicado or secret detention can in itself constitute torture or cruel, inhuman or degrading treatment. Closer to home, the Appellate Division of the East African Court of Justice held in *Attorney General of Rwanda v Plaxeda Rugumba* (Appeal No. 1 of 2012)[216] that prolonged incommunicado detention by a Partner State breaches the Treaty for the Establishment of the East African Community.

The law, then, is not in doubt. The failure is one of enforcement. Ungazetted "safe houses", military barracks used to hold civilians, and the routine refusal of security agencies to acknowledge custody when habeas corpus is sought are not gaps in the legal framework. They are deliberate ways of getting around it. Because concealment is deliberate, the intent the Act requires is present from the first hour. Each day the State holds a person incommunicado is therefore a continuing act of mental or psychological torture under the Act, and the officers responsible commit a criminal offence, not merely a breach of procedure. The courts have shown they will say so. What remains is for prosecutors to charge the offence, for judicial officers handling habeas corpus to treat a refusal to produce a detainee as evidence of continuing torture, and for Parliament and the executive to close every place of detention that is not gazetted.

H. THE GAOLER CANNOT BE NEUTRAL: DUTIES TO PREVENT, REPORT AND INVESTIGATE

Torture in Uganda rarely happens in the open. It happens in cells, interrogation rooms, barracks and ungazetted "safe houses", in front of officers who did not raise a hand but did not lift a finger either. The prison warder who hears the screams, the officer in charge who sees the bruises at the morning count, the police detective who receives a suspect too weak to stand: each of them likes to think of himself as a bystander. Ugandan law does not allow it. It places on every gaoler, meaning every prison officer, police officer, military intelligence operative and other official who holds a person in custody, a positive duty to prevent torture, to report it, and to make sure that the competent authorities investigate it. Passivity is not neutral. Under the law it is a breach of duty and, in defined circumstances, a basis for criminal liability.

The duty begins in the Constitution. Article 24 prohibits torture and cruel, inhuman or degrading treatment, and Article 44(a) makes that prohibition absolute and non-derogable. Article 20(2) requires all organs and agencies of Government, and all persons, to respect, uphold and promote the rights in Chapter Four. To uphold and promote is more than to abstain, so the provision is the textual source of the State's positive

---

[214] African Commission on Human and Peoples' Rights, Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines) (2002); Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines) (2014).

[215] UN General Assembly Resolution 60/148 (16 December 2005), para 11.

[216] *Attorney General of the Republic of Rwanda v Plaxeda Rugumba* (Appeal No. 1 of 2012) [2012] EACJ 10 (1 June 2012).

obligations. Article 221 then binds the Uganda Prisons Service, the Uganda Police Force and every other security organisation to observe and respect human rights in performing their functions. A gaoler's constitutional obligation is not only to refrain from torturing. It is to see that the person in their custody is not tortured.

The Prevention and Prohibition of Torture Act, (Cap. 130) gives effect to these provisions[217] and to Uganda's obligations under the UN Convention against Torture. Its first and most important step is in Section 2, which defines torture to include any "act or omission" by which severe pain or suffering is intentionally inflicted, not only by a public official but at the official's instigation or with the official's "consent or acquiescence". A gaoler who watches a detainee being beaten and does nothing has not stood aside from the torture. In law, they have acquiesced in it. Section 3 forbids derogation and removes the familiar defences of war, political instability, public emergency and superior orders. Section 4(2) completes the picture by protecting from punishment any officer who refuses an order to torture. The law therefore gives the gaoler both the right and the duty to say no.

The Act then reaches those who help, conceal and command. Under Section 8, a person who directly or indirectly assists, orders or supports torture, knowing or having reason to believe that others will use the assistance for torture, commits an offence. A gaoler who hands a detainee to interrogators known to torture falls within it. Under Section 9, a person who assists someone they know to be guilty of an offence under the Act, in order to help them escape punishment, commits an offence as an accessory after the fact. The officer who falsifies an occurrence book, hides an injured detainee from a Visiting Justice or tells a family their relative is "not here" is not merely failing in their duty. They are committing a crime.

Section 10 is the centre of the framework. A superior officer is liable for torture committed by a subordinate where the superior knew, or consciously disregarded information which clearly indicated, that torture was being or was about to be committed; where the acts fell within the superior's responsibility and control; and where the superior failed to investigate promptly, to pursue administrative and disciplinary measures diligently, and to cooperate with the prosecuting authorities. The consequence is stark. An officer in charge who learns of torture and does not investigate is not guilty of a lesser administrative failing. He becomes liable for the torture itself.

The Prisons Act, (Cap. 325) builds these duties[218] into the daily running of every prison. Section 4(a) charges the Service with keeping every person lawfully detained in "humane, safe custody". Section 56(a) requires the Service to treat every prisoner with the respect due to their inherent dignity and value as a human being. Section 80(2) expressly prohibits stripping a prisoner naked, pouring water into a prisoner's cell,

[217] Prevention and Prohibition of Torture Act, (Cap. 130), https://ulii.org/akn/ug/act/2012/3 (accessed 8 November 2026).

[218] Prisons Act, (Cap. 325), https://ulii.org/en/akn/ug/act/2006/17/eng@2023-12-31 (accessed 8 November 2026).

depriving a prisoner of food, and administering corporal punishment and torture. Section 40(1) makes a senior officer responsible where he knows, *or should have known*, that an officer under his command is using unlawful force and takes no action to prevent or report it. That standard is stricter than the PPTA's, because it reaches the officer in charge who chose not to know. The Act also creates the channels through which knowledge reaches those in authority: Section 70(1) entitles a prisoner to make a request or complaint to the officer in charge, and Section 109(1) empowers Visiting Justices to inspect every part of a prison and to inquire into prisoners' complaints. A complaint received through any of these channels is exactly the "information which clearly indicated" torture that triggers liability under Section 10 of the PPTA.

Section 20 of the PPTA sets out the duty to report. Any person who suspects, or has reasonable grounds to suspect, that torture is being committed has a duty to report that suspicion to the police or to the Uganda Human Rights Commission. The duty applies to everyone, and no one is better placed to perform it than the officer on the cell block. Regulation 11 of the Prevention and Prohibition of Torture Regulations, 2017[219] restates the duty and provides that a person unable to reach the police or the Commission may report to any relevant institution, including the Uganda Prisons Service itself, which must forward the report within five working days. Regulations 12 and 13 allow a person to report orally or in writing and require the receiving officer to put an oral report in writing and acknowledge receipt. Section 21 of the Act makes the State responsible for protecting complainants, witnesses and those who report torture from ill-treatment and intimidation. Regulation 18, read with Regulation 2, makes it an offence to victimise a person who reports torture, including by intimidation or harassment, punishable by up to five years' imprisonment. Fear of reprisal is therefore no excuse in law for a junior officer's silence. The law has made the reprisal, not the report, the crime.

The Act sets no separate penalty for failing to report. Silence does not escape the law for that reason. Silence that allows torture to continue is acquiescence under Section 2. Silence designed to shield a colleague is an offence under Section 9. A superior's conscious disregard of what others have told him grounds liability under Section 10. For prison officers, Section 40(1) of the Prisons Act goes further still, making a senior officer responsible where he knew or should have known of unlawful force and failed to prevent or report it.

The duty to investigate completes the scheme. Section 11 of the PPTA gives any person, whether the victim or not, the right to complain to the police, the Commission or any other relevant institution, and commands that "a prompt investigation into the complaint shall be conducted". Where there are substantial grounds, the police must arrest, detain and charge the suspect. The 2017 Regulations put this on a timetable. Under Regulations 8 and 16, investigators must complete their work expeditiously and in any case within twenty-one days, and the Regulations empower them to enter places

[219] Prevention and Prohibition of Torture Regulations, 2017 (S.I. No. 53 of 2017), https://chapterfouruganda.org/?jet_download=054479af12dfd6198622e4bb7a4dd35fe64e0891 (accessed 8 November 2026).

of detention, seize instruments of torture, refer the victim for medical examination and compel evidence. The Uganda Human Rights Commission has independent investigative powers under Article 52 of the Constitution, which the Act expressly preserves.

These domestic duties carry out obligations Uganda accepted when it ratified the Convention against Torture in 1986. Article 2(1) requires effective legislative, administrative, judicial and other measures to prevent torture. Article 10 requires the State to train custodial staff. Article 11 requires the State to keep custodial arrangements under systematic review. Article 12 requires a prompt and impartial investigation wherever there is reasonable ground to believe torture has been committed, whether or not anyone has complained. Article 13 guarantees the right to complain and protects those who do. In General Comment No. 2,[220] the Committee against Torture confirms that officials who know or ought to know of torture and fail to prevent, investigate or punish it bear responsibility as complicit or acquiescent. The Nelson Mandela Rules[221] require health-care staff to document and report signs of torture (Rule 34), require an independent authority to deal with allegations immediately (Rule 57(3)), and require the prison director to report every death, disappearance or serious injury in custody and to ensure investigation wherever torture is reasonably suspected (Rule 71). The UN Code of Conduct for Law Enforcement Officials[222] forbids any official to inflict, instigate *or tolerate* torture (Article 5) and requires officials who have reason to believe a violation has occurred to report it (Article 8). In the African system, the Robben Island Guidelines (2002)[223] require investigation of every allegation of torture even without a formal complaint, and the African Commission's General Comment No. 4 (2017)[224] on the right to redress develops the same duty.

The jurisprudence is consistent. In *Velásquez Rodríguez v Honduras* (1988)[225], the Inter-American Court held that the State must prevent, investigate and punish violations, and is responsible where it fails to act with due diligence. In *Assenov v Bulgaria* (1998)[226], the European Court held that an arguable claim of ill-treatment in custody triggers a

---

[220] UN Committee against Torture, General Comment No. 2: Implementation of article 2 by States parties, CAT/C/GC/2 (24 January 2008), paras 17 to 19.

[221] United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), UN General Assembly Resolution 70/175 (17 December 2015).

[222] UN Code of Conduct for Law Enforcement Officials, UN General Assembly Resolution 34/169 (17 December 1979).

[223] African Commission on Human and Peoples' Rights, Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines) (2002); Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines) (2014).

[224] African Commission on Human and Peoples' Rights, General Comment No. 4 on the Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment (Article 5) (2017).

[225] *Velásquez Rodríguez v Honduras*, Inter-American Court of Human Rights, Judgment of 29 July 1988, Series C No. 4.

[226] *Assenov and Others v Bulgaria*, European Court of Human Rights, Application No. 24760/94, Judgment of 28 October 1998.

separate procedural duty to investigate effectively. The UN Human Rights Committee treats failure to investigate as a separate breach of the ICCPR (General Comment No. 31, para 15)[227]. The African Commission applied the due-diligence standard in *Zimbabwe Human Rights NGO Forum v Zimbabwe* (Communication No. 245/2002)[228]. The Committee against Torture held in *Blanco Abad v Spain* (Communication No. 59/1996)[229] that delay in investigating breaches Article 12, and in *Dzemajl v Yugoslavia* (Communication No. 161/2000)[230] that officials who are present and fail to stop ill-treatment engage the State's responsibility through acquiescence.

The law, then, leaves no space for the bystander in uniform. The duties to prevent, report and investigate are not separate obligations that an officer may perform selectively. They are one chain of accountability, and a break at any point lets torture continue. The warder who sees and says nothing has acquiesced. The colleague who covers up has become an accessory. The officer in charge who learns of torture and does nothing has made himself liable for it. The test of Uganda's commitment against torture is not whether its statutes say so, for they plainly do, but whether a single officer in charge is ever prosecuted under Section 10, or a single warder under Section 9. Until that happens, the gaoler's silence will remain the torturer's most reliable accomplice.

The prison gate. Section 57 of the Prisons Act, (Cap. 325) governs admission to prison.[231] Under Section 57(1), "a person shall not be received or admitted into prison custody without a valid commitment or a remand warrant", order of detention, warrant of conviction or committal, signed with a court seal or authenticated by a person authorised by law. Section 57(2) requires the officer in charge, before admitting any person, to verify that the particulars in the warrant correspond to that person and that the warrant was properly issued or authenticated. Under Section 57(4), an error on the face of the warrant is not a ground for refusing admission; the officer in charge must instead secure its rectification as soon as practicable. Section 57(5) requires the Service to give every prisoner, on admission, written information on the prison rules, disciplinary requirements, complaints procedures, and his or her rights and obligations. Section 57(3) then provides: "The officer in charge shall not admit any person in custody if the person is severely tortured and is in a bad health condition."

Regulation 11 of the Prisons Regulations, 2012 governs the medical examination that follows admission.[232] A prisoner "shall, on the day of admission, be separately examined by the medical officer", who "shall record the state of health of the prisoner and other

---

[227] Human Rights Committee, General Comment No. 20 (1992), para 14; General Comment No. 31 (2004), para 15.

[228] African Commission on Human and Peoples' Rights, *Zimbabwe Human Rights NGO Forum v Zimbabwe*, Communication No. 245/2002 (2006).

[229] Committee against Torture, *Blanco Abad v Spain*, Communication No. 59/1996, Views of 14 May 1998.

[230] Committee against Torture, *Dzemajl and Others v Yugoslavia*, Communication No. 161/2000, Views of 21 November 2002.

[231] Prisons Act, (Cap. 325), Section 57, https://ulii.org/en/akn/ug/act/2006/17/eng@2023-12-31 (accessed 9 November 2026).

particulars as may be directed". Where the prison receives a prisoner too late for examination that day, "he or she shall be examined as soon as possible on the next day, and in any case within twenty-four hours of his or her admission."

The limits of Section 57(3). On its face, Section 57(3) protects the torture survivor. In practice it is fragile, for five reasons.

First, the test is conjunctive. The person must be both "severely tortured" and "in a bad health condition". A detainee whom officers have visibly beaten, but whom the prison judges otherwise stable, falls outside the provision, and the prison must admit him.

Second, the Act defines neither limb. It does not say what amounts to severe torture or bad health, or on what evidence the officer in charge is to establish either.

Third, the officer in charge decides alone, at the gate, without a medical opinion. The Regulation 11 examination takes place on or after admission, and so comes after the decision that Section 57(3) requires.

Fourth, Section 57(3) imposes a duty to refuse, not a duty to record. It does not require the officer in charge to document the injuries, to record the person's account of how he came by them, or to report the matter to anyone. Regulation 11 requires a record of the prisoner's state of health, but it says nothing of injuries or their cause.

Fifth, and most gravely, the Act provides no onward route for a person the prison refuses to admit. Section 74 empowers the officer in charge to remove a sick prisoner to hospital.[233] That power does not reach a person refused admission under Section 57(3), who is not a prisoner at all. Once the prison closes its gate, the only custodian left is the police escort that brought him. A provision written to protect the torture survivor can therefore return him to the hands of those he accuses.

Why the magistrate must act first. The prison gate cannot close these gaps. The magistrate must close them in the courtroom, before the remand warrant issues. The magistrate is the last independent judicial officer to see the accused before custody passes to the prison. If the magistrate records the visible injuries, records the accused's complaint, and orders an independent medical examination, the officer in charge no longer applies Section 57(3) in the dark: the warrant arrives with a judicial record of the person's condition. If the court further directs that the accused receive treatment and that no one release him into the custody of the arresting officers, a refusal under Section 57(3) leads to a hospital rather than back to a police cell. Only the magistrate's order can secure that outcome. Part VII.I sets out the magistrate's duties, and Template 4 in Part X sets out the orders.

---

[232] Prisons Regulations, 2012 (S.I. No. 65 of 2012), Regulation 11, https://old.ulii.org/ug/legislation/statutory-instrument/2012/65 (accessed 9 November 2026).

[233] Section 74 of the Prisons Act, (Cap. 325) corresponds to Section 75 of the Prisons Act, 2006 (Act No. 17 of 2006) as enacted. In the 2006 text, Section 74 concerns prisoners who are insane or mentally abnormal; that provision is Section 73 of Cap. 325.

I. THE MAGISTRATE WHO LOOKS AWAY: JUDICIAL DUTIES TO CONFRONT TORTURE

For most victims of torture in Uganda, the first independent official to see them after their ordeal is a judicial officer. Eventually the State produces in court the detainee whom its agents beat in a police cell, hung from the rafters of a barracks or held for weeks in a "safe house": for plea, for remand, on a habeas corpus return, or to answer a charge built on a confession extracted by pain. At that moment the magistrate or judge holds in their hands the one power the torturer cannot override. Too often it goes unused. The accused stands in the dock with a swollen face and bandaged feet. The record says nothing. The magistrate signs the remand warrant without a word. The law does not permit this silence. It places on judicial officers specific and, in several respects, mandatory duties to inquire into torture, to order investigation, to exclude its fruits, to compensate its victims and to put its perpetrators on trial.

The duty begins in the Constitution. Because fundamental rights are inherent and not granted by the State (Article 20(1)), the courts, as organs of Government bound by Article 20(2) to respect, uphold and promote them, may not treat freedom from torture as the State's to give or withhold. Article 20(2) also binds "all persons", so the duty attaches to every magistrate and judge individually. Article 24 prohibits torture and cruel, inhuman or degrading treatment, and Article 44(a) makes the prohibition absolute. Article 23 requires the State to produce every arrested person in court within 48 hours, and Article 44(d) makes the right to habeas corpus non-derogable. These provisions make the courtroom the constitutional checkpoint at which independent scrutiny reaches custody. Article 50(1) entitles every person whose rights have been infringed to apply to a competent court for redress, including compensation, and Article 126(2)(c) obliges the courts to award adequate compensation to victims of wrongs. A court that ignores torture in its presence fails each of these commands.

The clearest statutory duty is in the Police Act, (Cap. 324).[234] Section 25(3) provides: "Where a complaint of torture of a suspect in custody is made to a magistrate, the magistrate shall order an investigation into the allegation; and if the allegation is proved to be true, the magistrate shall order for the compensation, examination and treatment of the person affected at the expense of the State, and any person responsible for the torture shall be charged." The provision uses the mandatory "shall" throughout. Once a detainee or someone on his behalf complains, the magistrate must order an investigation. If the investigation establishes torture, the magistrate must order compensation, medical examination and treatment at the State's expense, and must ensure that the prosecuting authorities charge those responsible. The provision has its own history. As enacted in 1994, it empowered the magistrate to order only examination and treatment. In 2006 Parliament added compensation,[235] deliberately enlarging the magistrate's duty to include monetary redress. Section 25(3) is therefore not a

[234] Police Act, (Cap. 324), Section 25, https://ulii.org/en/akn/ug/act/statute/1994/13/eng@2023-12-31 (accessed 8 November 2026).

[235] See n 24 above.

procedural formality. It is an accountability provision placed in the hands of the lowest court that sees the detainee.

A complaint triggers Section 25(3), and the Act prescribes no form for one. The detainee, their advocate or a relative present in court may make it, orally or in writing. A visible injury is not itself a complaint, and a magistrate who wishes to look away may say so. But the magistrate who sees a detainee produced with injuries has, at the very least, reasonable grounds to suspect torture, and Section 20 of the Prevention and Prohibition of Torture Act, (Cap. 130) imposes on every person who has such grounds a duty to report the suspicion to the police or the Uganda Human Rights Commission. A judicial officer is not exempt from that duty. Those reasonable grounds also make it the magistrate's plain obligation to ask the detainee how he came by the injuries. Any answer alleging ill-treatment is a complaint, and Section 25(3) then applies with full force.

The surrounding provisions of Section 25 reinforce the duty. Section 25(1) requires the police to produce a person arrested without a warrant before a magistrate within 48 hours. Section 25(2) provides that where this is not complied with, any person may apply to the magistrate within 24 hours, and the magistrate "shall order his or her release unless charged". Over-detention is the condition in which torture flourishes. A magistrate who enforces Section 25(2) shortens the window of torture. A magistrate who does not, prolongs it.

The Prevention and Prohibition of Torture Act adds further duties. Section 14 provides that "[a]ny information, confession or admission obtained from a person by means of torture is inadmissible in evidence against that person in any proceedings". The court is the officer who enforces that rule, and Regulation 10 of the Prevention and Prohibition of Torture Regulations, 2017 tells it how:[236] where an accused person alleges torture, "the trial court shall order for a trial within a trial before the evidence is admitted". A judicial officer who admits a challenged confession without holding a trial within a trial breaches the Regulation and compromises the trial. Section 6 empowers the court, in addition to any other penalty, to order reparations by way of restitution, compensation and rehabilitation, and Regulation 21 makes those orders enforceable under the Civil Procedure Act. Section 12(8) empowers a magistrate before whom a charge or complaint under the Act is laid to postpone the issue of process, for reasons recorded in writing, and to direct the police to investigate or further investigate and report back to the court. The power is discretionary, but in a case of custodial torture, where the suspects are the State's own agents and the evidence lies in the State's own cells, a magistrate who does nothing will rarely have exercised the discretion properly.

The Act and the Magistrates Courts Act, (Cap. 19) also make the magistrate the gateway to prosecution where the State will not act. Section 12 of the PPTA and Section 42 of the

[236] Prevention and Prohibition of Torture Regulations, 2017 (S.I. No. 53 of 2017), https://chapterfouruganda.org/?jet_download=054479af12dfd6198622e4bb7a4dd35fe64e0891 (accessed 8 November 2026).

Magistrates Courts Act allow any person with reasonable and probable cause to lay a complaint before a magistrate. Once the magistrate is satisfied that the complaint discloses a prima facie offence and the complaint is not frivolous or vexatious, the magistrate "shall draw up and shall sign a formal charge".[237] Regulation 9 of the 2017 Regulations requires the magistrate to record the complaint of a person unable to make it themselves, in the presence of someone who understands them. Where the police will not investigate their colleagues and the Director of Public Prosecutions will not prosecute, the private prosecution is the victim's remaining path to the criminal court, and the magistrate may not close it to a properly founded complaint.

The Human Rights (Enforcement) Act, (Cap. 12) completes the domestic framework. Section 11(1) makes it an offence to derogate from a non-derogable right,[238] and Section 11(3) permits criminal proceedings against the violator even where no one has brought enforcement proceedings. Section 11(2) formerly required a court that found an accused person's non-derogable rights infringed to declare the trial a nullity and acquit. In *Faruku Muhamed & 2 Others v Attorney General* (Constitutional Petition No. 17 of 2024, consolidated with Constitutional Reference No. 2 of 2024, *Attorney General v Akamba Paul*) [2026] UGCC 7, decided unanimously on 2 June 2026 by Kihika, Tibulya, Kazibwe Kawumi, Mugenyi and Ssekaana JJCC,[239] the Constitutional Court declared Section 11(2)(a), (b) and (c) unconstitutional "in as far as the said provisions allow to acquit an accused person … without a fair hearing and trial in respect to initial offences brought in the criminal proceeding", holding that torture of an accused does not automatically extinguish criminal responsibility. The Court was equally clear that courts must address torture allegations, and that the courts retain the power to exclude illegally obtained evidence, to award compensation and to grant other appropriate relief while the trial continues. The decision removes one remedy. It removes no duty. On the contrary, with automatic acquittal gone, the duties to inquire, to order investigation, to exclude and to compensate are now the principal means by which the courts can respond to torture, and courts must perform them with corresponding rigour. The Court of Appeal's holding in *Wanyoto v Sgt Ouma & Another* [2022] UGCA 185 that medical proof[240] of torture is not strictly required remains good law, and forbids a court to dismiss an allegation merely because the complainant produced no medical report.

These duties give effect to Uganda's international obligations. Article 15 of the Convention against Torture requires every State party to ensure that a statement

---

[237] Magistrates Courts Act, (Cap. 19), Section 42, https://media.ulii.org/media/legislation/112869/source_file/51cfe7652d8ac1b2/1998-10.pdf (accessed 8 November 2026).

[238] Human Rights (Enforcement) Act, (Cap. 12), Sections 10 and 11, https://ulii.org/akn/ug/act/2019/18/eng@2023-12-31 (accessed 8 November 2026).

[239] *Faruku Muhamed & 2 Others v Attorney General* (Constitutional Petition No. 17 of 2024, consolidated with Constitutional Reference No. 2 of 2024, *Attorney General v Akamba Paul*) [2026] UGCC 7 (2 June 2026), para 153.

[240] *Wanyoto v Sgt Ouma and Another* (Civil Appeal No. 91 of 2021) [2022] UGCA 185 (8 July 2022), https://ulii.org/akn/ug/judgment/ugca/2022/185/eng@2022-07-08 (accessed 8 November 2026).

established to have been made as a result of torture is not invoked as evidence in any proceedings. Articles 12 and 13 require a prompt and impartial investigation wherever there is reasonable ground to believe torture has occurred, and the courts are part of the State machinery that discharges that duty. The Istanbul Protocol calls[241] on judges and prosecutors to order an independent medical examination whenever a detainee alleges torture or bears its signs, and to ensure that the detainee is not returned to the custody of those accused. The Robben Island Guidelines (2002) require the exclusion[242] of evidence obtained by torture and the investigation of all allegations.

The law, then, does not leave the judicial officer a spectator. Section 25(3) of the Police Act commands investigation, compensation, examination, treatment and prosecution. Section 25(2) commands release. Section 14 of the Prevention and Prohibition of Torture Act and Regulation 10 command exclusion and a trial within a trial. Section 42 of the Magistrates Courts Act commands a charge on a well-founded private complaint. Section 20 of the PPTA commands every person, the magistrate included, to report. A magistrate who remands a visibly injured accused without inquiry is not exercising judicial discretion. They are failing a statutory duty, and in doing so they lend the authority of the court to the torture they have chosen not to see. The judiciary cannot end torture alone. But no system of torture in custody can survive for long in front of magistrates who ask, record, order and refer every time the State produces a detainee. That is what the law requires of them.

J. SIX EXCUSES AND THEIR ANSWERS

Officials who defend torture rarely defend it by name. They offer excuses instead. Six recur in Uganda. The law has already answered each of them.

1. "The ticking bomb." The first excuse imagines a captive who knows where a bomb is hidden and asks whether pain may be used to save lives. The Constitution and the Act answer it directly. Article 44(a) admits no derogation from freedom from torture, and Section 3 of the Prevention and Prohibition of Torture Act, (Cap. 130) declares that no circumstance whatever, including war, a threat of war, political instability or a public emergency, justifies torture[243]. The Supreme Court in *Abuki* held that once conduct falls within any of the seven conditions in Article 24, ***"no question of justification can ever arise"***[244]. Courts elsewhere have confronted the hypothetical in its most sympathetic

[241] Office of the UN High Commissioner for Human Rights, *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)*, Professional Training Series No. 8, Rev. 2 (2022).

[242] African Commission on Human and Peoples' Rights, Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines) (2002); Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines) (2014).

[243] Constitution of the Republic of Uganda, 1995, Article 44(a); Prevention and Prohibition of Torture Act, (Cap. 130), Section 3.

[244] *Attorney General v Salvatori Abuki* (Constitutional Appeal No. 1 of 1998) [1999] UGSC 7, judgment of Oder JSC.

form and rejected it. In *Gäfgen v Germany*, a police officer threatened a kidnapper with pain to discover where he had hidden a child. The Grand Chamber of the European Court of Human Rights held that the threat itself was inhuman treatment, and that the prohibition holds even where the life of a child is at stake[245]. The Supreme Court of Israel refused to let the defence of necessity serve as advance authority for physical pressure in interrogation[246]. The UN Committee against Torture has said the same of every State party: no exceptional circumstance may be invoked[247]. In Uganda the excuse also fails on the facts. None of the files in Part VI concerns a bomb. They concern bodyguards, mayors, novelists, campaign volunteers and lawyers, and the questions their torturers asked were about political loyalty and the funding of the opposition.

2. "National security and public emergency." The second excuse claims that a State under threat may suspend the ordinary rules. Uganda's Constitution permits limited derogation during a state of emergency, but Article 44 places freedom from torture beyond the reach of any derogation, and Section 3 of the Act names public emergency and political instability among the circumstances that cannot justify it. The security agencies themselves are bound: Article 221 requires the Uganda Peoples' Defence Forces, the Uganda Police Force and every other security organisation to observe and respect human rights. A security threat may justify arrest, charge and trial. It never justifies the basement.

3. "These are only allegations." The third excuse treats every account as unproven until a court convicts. The law reverses the burden the excuse assumes. When a person enters State custody in good health and leaves it injured, the State must give a plausible explanation of the injuries, and if it does not, the court may find that the State inflicted them[248]. The Court of Appeal in *Wanyoto* held that a court may not reject an allegation of torture merely because the complainant has no medical report[249]. The Regulations require the police and the Uganda Human Rights Commission to investigate every complaint within twenty-one days[250]; an allegation is therefore the starting point of the State's duty, not a ground for its silence. The State has rarely discharged that duty. Where it has denied custody on oath, as in the cases of Sam Mugumya and Agatha Nazziwa, the detainee's later release from the very facility the return excluded, or the commander's own admission, has contradicted it (Files 11 and 12). This Paper states the

---

[245] *Gäfgen v Germany* (Application No. 22978/05), Grand Chamber, European Court of Human Rights, judgment of 1 June 2010, paras 107 and 131.

[246] *Public Committee Against Torture in Israel v State of Israel*, HCJ 5100/94, Supreme Court of Israel sitting as the High Court of Justice, judgment of 6 September 1999.

[247] UN Committee against Torture, General Comment No. 2: Implementation of Article 2 by States Parties (CAT/C/GC/2, 24 January 2008), para 5; Convention against Torture, Article 2(2).

[248] *Ribitsch v Austria* (Application No. 18896/91), European Court of Human Rights, judgment of 4 December 1995, para 34; *Selmouni v France* (Application No. 25803/94), Grand Chamber, judgment of 28 July 1999, para 87.

[249] *Wanyoto v Sgt Ouma & Another* [2022] UGCA 185.

[250] Prevention and Prohibition of Torture Regulations, 2017 (S.I. No. 53 of 2017), Regulations 8(1) and 16(2).

evidential status of each recent file so that the reader can weigh it. The excuse would be stronger if the State investigated the allegations it dismisses.

4. "Africa must keep order its own way." The fourth excuse presents the prohibition of torture as a foreign imposition. Part II.E answers it from Africa's own history, and the law answers it from Africa's own instruments. Article 5 of the African Charter on Human and Peoples' Rights, which African States drafted and adopted at Nairobi in 1981, prohibits torture and cruel, inhuman or degrading punishment and treatment. The African Commission's Robben Island Guidelines of 2002 take their name from the island where the apartheid State imprisoned Nelson Mandela, and where African experts drafted them[251]. And in 2016 the Extraordinary African Chambers, an African court established by Senegal and the African Union, convicted Hissène Habré, the former President of Chad, of torture and crimes against humanity and sentenced him to life imprisonment; the Appeals Chamber upheld the conviction in 2017[252]. The order that Africa chose for itself forbids torture.

5. "The opposition exaggerates." The fifth excuse dismisses survivors' accounts as political theatre. When more than 200 Ugandans filed testimony at the International Criminal Court in 2023, a Government spokesman called it propaganda[253]. Courts, not spokesmen, weigh evidence, and Uganda's courts have weighed it: the High Court found torture proved for the Kaweesi suspects, Hon. Francis Zaake and Kakwenza Rukirabashaija, and awarded damages against the Attorney General (Part VI.B). The most damning evidence, moreover, comes from no opposition source. The Chief of Defence Forces himself announced that he held Eddie Mutwe in his basement, posted the photograph of a blindfolded Erias Lukwago, and threatened to shoot Sam Mugumya. An exaggeration needs an exaggerator. In Uganda the perpetrators have supplied their own confessions.

6. "Beating is not torture." The sixth excuse, which a minister offered for Arua (Part VII.C), redefines the crime to fit the conduct. The Act forecloses it. Item 1(a) of the Second Schedule to the Prevention and Prohibition of Torture Act, (Cap. 130) lists *"systematic beating, head banging, punching, kicking, striking with truncheons, rifle butts, jumping on the stomach"* among the acts that constitute torture, and the same Schedule names the rubbing of pepper on mucous membranes and harmful exposure to extreme cold[254]. A beating is torture whenever an official intentionally inflicts severe pain for one of the

---

[251] African Charter on Human and Peoples' Rights (1981), Article 5; African Commission on Human and Peoples' Rights, Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (the Robben Island Guidelines), ACHPR/Res.61(XXXII)02 (2002).

[252] *Ministère Public v Hissein Habré*, Extraordinary African Chambers in the Assize Chamber, judgment of 30 May 2016; Extraordinary African Chambers in the Appeals Chamber, judgment of 27 April 2017.

[253] Gov't Defends Self As ICC Begins Receiving Torture Testimonies, *The Standard*, 13 July 2023, https://thestandard.co.ug/2023/07/13/govt-defends-self-as-icc-begins-receiving-torture-testimonies (accessed 11 November 2026).

[254] Prevention and Prohibition of Torture Act, (Cap. 130), Second Schedule, items 1(a), 1(d) and 1(j).

purposes Section 2 lists, such as extracting a confession, punishing or intimidating. Where a beating falls short of that threshold, Article 24 still forbids it as cruel, inhuman or degrading treatment, and Article 44(a) permits no derogation from that prohibition either. Every beating in Part VI meets one standard or the other.

K. CONCLUSION ON THE GAP: THE BASEMENT AND THE COURTROOM

Every regime that tortures believes it is the exception. Amin believed it. Pinochet believed it. Habré believed it until the day an African court sentenced him to die in prison. Each told himself that the enemy was uniquely dangerous, the times uniquely perilous, the pain uniquely necessary. Each was wrong, and history remembers each not for the enemies he broke but for the law he broke.

Uganda stands at that same fork. One road leads down the stairs to the basement, where a general photographs a blindfolded advocate on a cold tiled floor and invites the nation to laugh. The other leads up the steps of the courthouse, where a judge looks at a limping prisoner and refuses to look away. The Constitution of 1995 chose the second road and wrote the choice into Article 44 in words no government may amend by conduct. The Prevention and Prohibition of Torture Act chose it again in 2012. Every Ugandan who has prayed in a church or a mosque has chosen it a thousand times.

The move from the hidden basement to the advertised one is not carelessness. A decade ago a Minister for Internal Security could insist that Uganda had no safe houses (Part VII.F). Today the Chief of Defence Forces names his basement and posts its photographs. Public cruelty serves the regime in four ways. It tells every would-be organiser what opposition costs, and it reaches a whole nation at the price of a single captive. It tests how much the courts, Parliament, donors and neighbours will tolerate, and every silence widens the next margin. It binds the officers who carry it out to the regime, because men who have tortured on camera have most to fear from a change of government that brings the law back. And it performs a rival sovereignty: it tells the citizen that the Constitution stops at the basement door, and that another law, personal and unanswerable, rules inside. The basement is no longer only a place of pain; it is a stage. The answer must be as public as the boast. Every post that announced a capture is evidence, preserved by its own author, for the prosecution that will one day follow.

The scars on Kakwenza's back, the swollen face of Francis Zaake, the blinded eyes of Kizza Besigye, the shaven head of Eddie Mutwe, the dislocated spine of Erias Lukwago: these are not merely injuries. They are exhibits. They wait, as evidence always waits, for the day a Ugandan prosecutor stands up and reads the charge. History suggests that day comes later than the victims deserve and sooner than the torturers expect.

Until it comes, the duty of every lawyer, journalist, poet and citizen is the duty Soyinka named: not to keep silent. The torturer's power rests on a single wager, that fear will outlast memory. This Paper is a small bet the other way.

Whoever was tortured, stays tortured. So, too, does whoever tortured. The law has a long memory, and it is patient.

PART VIII: REMEDIES

"The man dies in all who keep silent in the face of tyranny."

— Wole Soyinka, The Man Died (1972)

A. REMEDIES AVAILABLE NOW

The remedies below are available today. They are not alternatives. A survivor's lawyer should usually pursue several at once, and should begin with the one that protects the body.

(a) **Habeas corpus.** Where the victim is still held, or his whereabouts are unknown, apply at once to the High Court under Section 38 of the Judicature Act, (Cap. 16) for the writ, and ask the court to order his production and an immediate independent medical examination. The writ is non-derogable under Article 44(d). The companion paper on habeas corpus examines the procedure.

(b) **Enforcement of the right to freedom from torture.** Apply to the High Court under Article 50 of the Constitution and the Human Rights (Enforcement) Act, (Cap. 12) by notice of motion supported by affidavit (Templates 1 to 3 in Part X). Seek declarations that the Respondents violated Articles 23, 24 and 44; an order for independent medical examination and treatment; an order to disclose the place and conditions of detention; general, aggravated and exemplary damages against the Attorney General; and an order holding the officers responsible personally liable. Join the identifiable officers as respondents.

(c) **Exclusion of evidence and the trial itself.** Where the victim is charged, raise the torture at the first appearance, ask the court to record the injuries and order an independent examination, and object to any statement obtained in custody under Section 14 of the Prevention and Prohibition of Torture Act, (Cap. 130). Although the Constitutional Court has narrowed Section 11(2) of the Human Rights (Enforcement) Act, (Cap. 12), Article 28 still entitles the accused to a fair trial, and a court retains its power to stay a prosecution that the State's own conduct has made unfair.

(d) **Criminal complaint and private prosecution.** Report the torture to the police and the Director of Public Prosecutions under the Prevention and Prohibition of Torture Act, (Cap. 130), and preserve the reference number. Where the State does not act, institute a private prosecution, as the Act permits and as the Constitutional Court confirmed in 2023. Name the superior officers under Section 10 where the facts show that they knew of the torture, or consciously disregarded information which clearly indicated it.

(e) **The Uganda Human Rights Commission.** File a complaint under Articles 52 and 53 of the Constitution. The Commission can visit places of detention, order

release and award compensation. Its findings also form part of the record for every other forum. Counsel cannot, however, pursue this option at the same time as court proceedings on the same matter, because Article 53(4) of the Constitution bars the Commission from investigating a matter pending before a court.

(f) **Documentation.** Have the survivor examined, as soon as possible, by an independent doctor trained in the Istanbul Protocol, such as the clinicians of the African Centre for Treatment and Rehabilitation of Torture Victims. Photograph the injuries with dates, preserve screenshots of any public statement by the perpetrator, and record the names of witnesses. A perpetrator can delete a post. He cannot delete a screenshot.

(g) **The East African Court of Justice.** Where a Partner State's conduct violates the rule of law and the protection of human rights under Articles 6(d) and 7(2) of the Treaty, file a reference within two months of the act complained of, or of the day the complainant learnt of it, as Article 30(2) of the Treaty requires.

(h) **The African Commission on Human and Peoples' Rights.** Once the victim has exhausted domestic remedies, or shown them to be unavailable or ineffective, submit a communication alleging violations of Articles 5 and 6 of the African Charter.

(i) **United Nations mechanisms.** Submit an urgent appeal to the Special Rapporteur on torture, a communication to the Human Rights Committee under the First Optional Protocol to the ICCPR once the victim has exhausted domestic remedies, and, where the State has disappeared the victim, an urgent action to the Working Group on Enforced or Involuntary Disappearances.

(j) **International criminal accountability.** A survivor may send a communication to the Office of the Prosecutor of the International Criminal Court under Article 15 of the Rome Statute where the torture forms part of a widespread or systematic attack. Survivors may also seek prosecution abroad in States that exercise universal jurisdiction over torture, and may ask foreign governments to impose targeted sanctions on the officials responsible.

(k) **Complaint to the magistrate at first appearance.** When the State produces a tortured client, tell the magistrate, on the record, that officers tortured him in custody. That statement is a complaint under Section 25(3) of the Police Act, (Cap. 324), and the magistrate must then order an investigation and, once the investigation proves the torture, order compensation, examination and treatment at the State's expense and the prosecution of those responsible. Ask for an independent medical examination recorded on Form 4 of the Prevention and Prohibition of Torture Regulations, 2017, and for bail. Where the magistrate cannot grant bail, ask for directions on the remand warrant that the officer in

charge of the prison record the injuries on admission and that no one release the accused into the custody of the arresting officers, and ask for a short return date. Template 4 in Part X sets out the protocol a magistrate should follow.

(l) **Habeas corpus returns that deny custody.** Where the State answers the writ with a bare denial, ask the court to require affidavits from the officers responsible for custody records at each named facility, to order inspection of those facilities, and, where the detainee later emerges from a place the return excluded, to treat the return as contempt and refer the deponent for prosecution for perjury. The returns in the cases of Sam Mugumya and Agatha Nazziwa (Files 11 and 12) show why.

Weighing the forums

These remedies do not carry equal weight, and counsel should choose among them with care. The domestic remedies in (a) to (f), (k) and (l) act fastest and on the body itself, and every international forum will ask whether the survivor exhausted them or why they failed. The East African Court of Justice and the African Commission offer a realistic route to a declaration against the State, but neither can compel a commander to appear, and the African Commission depends on the political organs of the African Union to secure compliance with its decisions. The International Criminal Court reaches torture only where it forms part of a widespread or systematic attack on a civilian population and, under the principle of complementarity in Article 17 of the Rome Statute, only where Uganda is unwilling or unable genuinely to investigate or prosecute. A communication such as the one filed in 2023 (Part VII.F) builds the record, but rarely produces an early investigation. Universal jurisdiction needs both a foreign prosecutor willing to act and a suspect who travels. Targeted sanctions have already reached a Ugandan commander: in December 2021 the United States Treasury designated Major General Abel Kandiho, then Chief of Military Intelligence, for serious human rights abuse, and the Department of State named him for involvement in torture[255]. Of the external tools, sanctions act fastest and fall most directly on the individual. Counsel should therefore build every file, from the first medical examination onward, so that it can serve any of these forums.

B. REFORMS THE LAW NOW REQUIRES

The law does not need reform so much as obedience. Uganda's statutes and treaty obligations already demand each of the measures below. They appear in the order in which they can be achieved: first what courts, prosecutors and officers can enforce now, then what the institutions must change, and last what will take longer.

[255] Museveni defiant as US tighten sanctions, *Daily Monitor*, https://monitor.co.ug/uganda/news/national/museveni-defiant-as-us-tighten-sanctions-4459554 (accessed 11 November 2026); United States Department of State, The United States Promotes Accountability for Human Rights Violations and Abuses, Press Statement of Secretary of State Antony J. Blinken, 10 December 2021.

Now, under existing law

1. Guarantee independent forensic examination of every detainee who alleges torture, on the model Justice Oguli-Oumo ordered in 2017.

2. Implement the Prevention and Prohibition of Torture Regulations, 2017 in full: investigate every complaint within twenty-one days, record every medical examination on Form 4, and protect every person who reports torture, as the UN Committee against Torture urged in 2022.

3. Enforce Section 20 of the Act and Section 40(1) of the Prisons Act, (Cap. 325) against gaolers and officers in charge who see torture and stay silent.

4. Treat every habeas corpus order as binding on all relevant persons, including the Chief of Defence Forces himself, and punish disobedience as contempt.

5. Require every magistrate before whom a detainee alleges torture to record the complaint, order its investigation under Section 25(3) of the Police Act, (Cap. 324), and order an independent medical examination before remanding him.

6. Require every return to a writ of habeas corpus to be sworn by the officers who keep the custody records of each facility it names, and treat a return later shown to be false as contempt of court and refer its deponent for prosecution for perjury.

Institutional change

7. Investigate and prosecute, under Sections 4, 5 and 10 of the Prevention and Prohibition of Torture Act, (Cap. 130), every official, of whatever rank, credibly implicated in the files in Part VI.A, including those who announced the captures on social media.

8. Charge torture as torture, under Section 4 of the Prevention and Prohibition of Torture Act, (Cap. 130), and not as assault under the Penal Code Act, (Cap. 128); charge superiors who knew of torture and failed to investigate under Section 10, and officers who conceal it under Section 9.

9. Remove from command, pending investigation, any officer who publicly claims to hold a detainee outside a gazetted place of detention, or threatens a detainee with violence.

10. Close every ungazetted place of detention and publish a register of all persons in the custody of the army, police and intelligence services, as the Robben Island Guidelines require.

11. Ensure that every officer engaged in arrest or detention wears visible identification, uses marked vehicles and records every detention in a register open to the Uganda Human Rights Commission, lawyers and relatives.

12. Give effect to Section 10 of the Human Rights (Enforcement) Act, (Cap. 12) by holding liable every officer who orders, directs or participates in torture, and recover from the officers responsible a share of the compensation the State pays.

Longer-term guarantees

13. Restore, by appeal or by Parliament, a remedy that makes torture costly to the prosecution that relies on it.

14. Provide full reparation under General Comment No. 4 of the African Commission: compensation, medical and psychological rehabilitation, public acknowledgement and guarantees of non-repetition.

15. Ratify the Optional Protocol to the Convention against Torture and establish a national preventive mechanism, independent of the security services, with power to make unannounced visits to every place of detention, gazetted or not.

PART IX: LIST OF AUTHORITIES

A. CONSTITUTION AND STATUTES

- The Constitution of the Republic of Uganda, 1995, Articles 20, 23, 24, 28, 44, 50, 51 to 53, 98 and 221.
- The Prevention and Prohibition of Torture Act, (Cap. 130).
- The Human Rights (Enforcement) Act, (Cap. 12).
- The Judicature Act, (Cap. 16).
- The Evidence Act, (Cap. 8).
- The Penal Code Act, (Cap. 128).
- The Uganda Peoples' Defence Forces Act, (Cap. 330).
- The Police Act, (Cap. 324), Section 25.
- The Prisons Act, (Cap. 325), Sections 4, 40, 56, 57, 70, 74, 80 and 109.
- The Magistrates Courts Act, (Cap. 19), Section 42.
- The Prevention and Prohibition of Torture Regulations, 2017 (S.I. No. 53 of 2017).
- The Prisons Regulations, 2012 (S.I. No. 65 of 2012), Regulation 11.

B. TREATIES AND INTERNATIONAL STANDARDS

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).
- International Covenant on Civil and Political Rights (1966) and its First Optional Protocol.
- Universal Declaration of Human Rights (1948).
- African Charter on Human and Peoples' Rights (1981).
- Rome Statute of the International Criminal Court (1998).
- Treaty for the Establishment of the East African Community (1999).

- Robben Island Guidelines on the Prohibition and Prevention of Torture in Africa (2002).
- African Commission on Human and Peoples' Rights, General Comment No. 4 on the Right to Redress for Victims of Torture (2017).
- United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (2015).
- Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

C. UGANDAN CASES

- *Attorney General v Susan Kigula and 417 Others*, Constitutional Appeal No. 3 of 2006 (Supreme Court).
- *Dr Kizza Besigye and Others v Attorney General*, Constitutional Petition No. 7 of 2007 (Constitutional Court).
- *Kyamanywa Simon v Uganda*, Constitutional Reference No. 10 of 2000 (Constitutional Court).
- *Kakwenza Rukirabashaija v Attorney General* (High Court, Wamala J, October 2024).
- The Kaweesi murder suspects' application for medical examination and compensation (High Court, Oguli-Oumo J, 2017).
- The petition to stop the private prosecution of Gen Kale Kayihura and others under the Prevention and Prohibition of Torture Act (Constitutional Court, 2023).
- The petition on Section 11(2) of the Human Rights (Enforcement) Act (Constitutional Court, June 2026).
- *Attorney General v Salvatori Abuki* (Constitutional Appeal No. 1 of 1998) [1999] UGSC 7.
- *Abdu Rashid Mbazira & 21 Others v Attorney General*, High Court Miscellaneous Application No. 0210 of 2017.
- *Agaba v Attorney General & 3 Others* [2019] UGHCCD 226.

- *Rights Trumpet & 2 Others v AIGP Asan Kasingye & 5 Others* [2020] UGHC 42.
- *Zaake v Attorney General & 7 Others* (Miscellaneous Cause No. 85 of 2020) [2021] UGHCCD 269.
- *Wanyoto v Sgt Ouma and Another* [2022] UGCA 185.
- *Obongo v Attorney General* [2022] UGHCCD 255.
- *Turyamuhika Geofrey Tumwine v Attorney General* [2023] UGHCCD 383.
- *Kakwenza Rukirabashaija v Attorney General* [2024] UGHCCD 161.
- *Mugumya Sam v Chief of Defence Forces and Others*, Miscellaneous Cause No. 227 of 2025.
- *Otim Boniface Oketa v Attorney General* [2026] UGHCCD 109.
- *Faruku Muhamed & 2 Others v Attorney General* (Constitutional Petition No. 17 of 2024 and Constitutional Reference No. 2 of 2024) [2026] UGCC 7.
- *Attorney General of Rwanda v Plaxeda Rugumba* (Appeal No. 1 of 2012) [2012] EACJ 10.

D. INTERNATIONAL AND FOREIGN CASES

- *A v Secretary of State for the Home Department (No 2)* [2005] UKHL 71.
- *Aksoy v Turkey* (1996) 23 EHRR 553.
- *Aydın v Turkey* (1997) 25 EHRR 251.
- *Filártiga v Peña-Irala*, 630 F.2d 876 (2d Cir. 1980).
- *Gäfgen v Germany* (2010) 52 EHRR 1 (Grand Chamber).
- *Ireland v United Kingdom* (1978) 2 EHRR 25.
- *Katabazi and 21 Others v Secretary General of the East African Community and the Attorney General of Uganda*, EACJ Reference No. 1 of 2007.
- *Prosecutor v Furundžija*, IT-95-17/1-T, Judgement of 10 December 1998.

- *Public Committee Against Torture in Israel v State of Israel*, HCJ 5100/94 (1999).
- *R v Bow Street Metropolitan Stipendiary Magistrate, ex parte Pinochet Ugarte (No 3)* [2000] 1 AC 147.
- *Selmouni v France* (1999) 29 EHRR 403.
- *Velásquez Rodríguez v Honduras*, Inter-American Court of Human Rights, Series C No. 4 (1988).
- *Ministère Public v Hissène Habré*, Extraordinary African Chambers, Judgement of 30 May 2016, upheld on appeal on 27 April 2017.
- Brown v Mississippi, 297 US 278 (1936).
- D.K. Basu v State of West Bengal (1997) 1 SCC 416 (Supreme Court of India).
- Gregson v Gilbert (1783) 3 Doug KB 232.
- Hadijatou Mani Koraou v Republic of Niger, ECOWAS Court of Justice, ECW/CCJ/JUD/06/08 (27 October 2008).
- Media Rights Agenda v Nigeria, Communication 224/98, African Commission on Human and Peoples' Rights (2000).
- Re Akoto and 7 Others [1961] GLR 523 (Supreme Court of Ghana, 28 August 1961).
- S v Williams [1995] ZACC 6, 1995 (3) SA 632 (CC).
- Tibi v Ecuador, Inter-American Court of Human Rights, Series C No. 114 (7 September 2004).
- United States v Zubaydah, 595 US 195 (2022).

E. OTHER SOURCES

The footnotes cite reports, statements and press articles. They include the reports of Human Rights Watch, Amnesty International, the Committee to Protect Journalists, Reporters Without Borders, the Office of the United Nations High Commissioner for Human Rights and the United States Department of State; and the reporting of the Daily Monitor, The Observer, The Independent, New Vision, Pulse Uganda, The EastAfrican, Reuters, the Associated Press, Agence France-Presse, Al Jazeera, CNN, the BBC, The Guardian, The New York Times, The Economist and The Wall Street Journal.

Classical and literary sources: the Code of Hammurabi (L. W. King translation, 1910); Justinian's Digest; Magna Carta (1215); the Bill of Rights 1689; Cesare Beccaria, On Crimes and Punishments (1764); the Holy Bible (King James Version); the Qur'an; Sahih Muslim; the Dhammapada (Max Müller translation, 1881); Nelson Mandela, Long Walk to Freedom (1994); Wole Soyinka, The Man Died (1972); Ngũgĩ wa Thiong'o, Detained: A Writer's Prison Diary (1981); George Orwell, Nineteen Eighty-Four (1949); Jean Améry, At the Mind's Limits (1966); Kakwenza Rukirabashaija, Banana Republic: Where Writing is Treasonous. Further sources for Part II and Part VII.E: John H. Langbein, Torture and the Law of Proof (1977); William Blackstone, Commentaries on the Laws of England, Book IV (1769); Michel de Montaigne, Essays, II.5; Catherine II, Nakaz (1767); Elaine Scarry, The Body in Pain (1985); Henry Shue, "Torture" (1978); Michel Foucault, Discipline and Punish (1975); Darius Rejali, Torture and Democracy (2007); Frantz Fanon, The Wretched of the Earth (1961); Hannah Arendt, Eichmann in Jerusalem (1963); the Talmud (Sanhedrin 9b); Sahih al-Bukhari; the Catechism of the Catholic Church; Theodore Dwight Weld, American Slavery As It Is (1839); Olaudah Equiano, The Interesting Narrative (1789); the Code Noir (1685); David Imbua (2012); Kwame Nkrumah, Ghana: The Autobiography of Kwame Nkrumah (1957); Chinua Achebe, Things Fall Apart (1958) and Anthills of the Savannah (1987); Ngũgĩ wa Thiong'o, A Grain of Wheat (1967) and Detained (1981); Wole Soyinka, Madmen and Specialists (1970); John Ruganda, The Floods (1980); Peter Weiss, The Investigation (1965); Harold Pinter, One for the Road (1984) and Mountain Language (1988); Ariel Dorfman, Death and the Maiden (1990); James Baldwin, "Going to Meet the Man" (1965) and "A Report from Occupied Territory" (1966); Toni Morrison, Beloved (1987) and Nobel Lecture (1993); Maya Angelou, I Know Why the Caged Bird Sings (1969); Langston Hughes, "Song for a Dark Girl" (1927); Anna Akhmatova, Requiem; and Carolyn Forché, "The Colonel" (1978).

PART X: TEMPLATES

The templates below are for an application to enforce the right to freedom from torture under Article 50 of the Constitution and the Human Rights (Enforcement) Act, (Cap. 12). They follow *Hon. Francis Zaake v Attorney General and 7 Others*, High Court (Civil Division) Miscellaneous Cause No. 85 of 2020, in which Justice Esta Nambayo, on 9 August 2021, found that the police had tortured the Applicant in custody and ordered the Attorney General to pay him UGX 75,000,000. The templates name the Respondents as that cause named them, with the offices they then held. The facts follow the Applicant's published account. Counsel must confirm every name, date, place and particular against the client's instructions and the medical evidence before filing. Highlighting marks the fields that counsel must complete or confirm. Template 4 is different in kind: it is a bench protocol for the magistrate before whom the State produces a visibly tortured suspect, and counsel may hand it up at a first appearance.

Template 1: Notice of Motion

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

(CIVIL DIVISION)

MISCELLANEOUS CAUSE NO. _____ OF [YEAR]

IN THE MATTER OF ARTICLES 20, 21, 23, 24, 28, 44 AND 50 OF THE CONSTITUTION OF THE REPUBLIC OF UGANDA

AND

IN THE MATTER OF THE HUMAN RIGHTS (ENFORCEMENT) ACT, (CAP. 12) AND THE PREVENTION AND PROHIBITION OF TORTURE ACT, (CAP. 130)

AND

IN THE MATTER OF AN APPLICATION FOR THE ENFORCEMENT OF THE RIGHT OF HON. FRANCIS BUTEBI ZAAKE TO FREEDOM FROM TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

HON. FRANCIS BUTEBI ZAAKE :: **APPLICANT**

VERSUS

1. **ATTORNEY GENERAL**

2. **BOB KAGARURA**

3. **ALEX MWINE**

4. **ELLY WOMANYA**

5. **MUSA WALUGEMBE**

6. **HAMDAN TWESIGYE**

7. **HARUNA MULUNGI NSAMBA**

8. **MAJ. GEN. ABEL KANDIHO** :::::::::::::::::::: **RESPONDENTS**

NOTICE OF MOTION

(Under Articles 20, 23, 24, 28, 44 and 50 of the Constitution of the Republic of Uganda; Sections 3, 4 and 6 of the Human Rights (Enforcement) Act, (Cap. 12); the Prevention and Prohibition of Torture Act, (Cap. 130); and the Judicature (Fundamental and Other Human Rights and Freedoms) (Enforcement Procedure) Rules, S.I. No. 31 of 2019:)

TAKE NOTICE that this Honourable Court shall be moved on the _____ day of _____ [YEAR] at _____ o'clock in the forenoon, or so soon thereafter as Counsel for the Applicant can be heard, for orders that:

1. A declaration that the arrest of the Applicant at his home in Mityana on 19 April 2020, and his detention from that day until the Respondents produced him before the Chief Magistrate's Court at Mityana on 27 April 2020, at Mityana Central Police Station, the headquarters of the Chieftaincy of Military Intelligence at Mbuya and the Special Investigations Division at Kireka, without being brought before a court within forty-eight hours, violated his right to personal liberty under Article 23 of the Constitution.

2. A declaration that the intentional infliction of severe physical and mental pain and suffering on the Applicant during his arrest and detention by the 2nd to 8th Respondents, or by officers acting under their command, through punching, kicking, pepper-spraying his eyes, binding his hands and legs and forcing him into a fixed and stressful position, constituted torture and cruel, inhuman or degrading treatment, contrary to Articles 24 and 44(a) of the Constitution and the Prevention and Prohibition of Torture Act, (Cap. 130).

3. A declaration that holding the Applicant incommunicado in places not authorised by law for detention, and denying him access to his family, his lawyers and medical treatment of his choice, violated his rights under Articles 23(5), 24 and 44(a) of the Constitution.

4. A declaration that the insults directed at the Applicant on account of his tribe and his political party during his detention violated his rights to dignity and to freedom from discrimination under Articles 21 and 24 of the Constitution.

5. A declaration that the 2nd to 8th Respondents are personally liable for the violations of the Applicant's rights, and that the 1st Respondent is vicariously liable for the acts of the 2nd to 8th Respondents and the officers under their command.

6. An order that the Respondents jointly and severally pay the Applicant general damages for the physical injury, pain, psychological suffering, humiliation and loss of dignity he has endured.

7. An order that the Respondents jointly and severally pay the Applicant punitive damages, to mark this Honourable Court's condemnation of the oppressive, arbitrary and unconstitutional conduct of servants of the State and to deter its repetition.

8. An order that the Respondents pay the costs of this application.

9. Such other or further relief as this Honourable Court may deem fit and just to grant.

TAKE FURTHER NOTICE that the attached affidavit of the Applicant, Hon. Francis Butebi Zaake, sets out the grounds of this application, which briefly are that:

a. The Applicant, Hon. Francis Butebi Zaake, is an adult male citizen of Uganda of sound mind, the Member of Parliament for Mityana Municipality, Mityana District, and at the material time the head of the youth wing of the People Power movement, whose address for service for the purposes of this application is care of M/s Kiiza & Mugisha Advocates, Master Plaza, 1st Floor, Room F.10, Plot 88, Ben Kiwanuka Street, Kampala.

b. The 1st Respondent, the Attorney General of Uganda, is the principal legal adviser of the Government, whom Article 250 of the Constitution designates as the party against whom civil proceedings against the Government are instituted, and whom the Applicant sues in his representative capacity for the acts and omissions of the servants and agents of the Government named in this application and of the officers under their command.

c. The 2nd Respondent, Bob Kagarura, is an officer of the Uganda Police Force who at the material time served as the Regional Police Commander of Wamala Region and led the arrest of the Applicant, and whom the Applicant sues in his personal capacity under Section 10 of the Human Rights (Enforcement) Act, (Cap. 12).

d. The 3rd Respondent, Alex Mwine, is an officer of the Uganda Police Force who at the material time served as the District Police Commander of Mityana District and took part in the arrest and detention of the Applicant, and whom the Applicant sues in his personal capacity.

e. The 4th Respondent, Elly Womanya, is a senior officer of the Uganda Police Force who at the material time served as Commandant of the Special Investigations Division at Kireka, where the Applicant was held, and whom the Applicant sues in his personal capacity.

f. The 5th Respondent, Musa Walugembe, is an officer of the Uganda Police Force who at the material time served as the officer in charge of the cells at the Special Investigations Division at Kireka, and whom the Applicant sues in his personal capacity.

g. The 6th Respondent, Hamdan Twesigye, is a detective of the Uganda Police Force attached at the material time to the Special Investigations Division at Kireka, who took part in the Applicant's detention and interrogation, and whom the Applicant sues in his personal capacity.

h. The 7th Respondent, Haruna Mulungi Nsamba, is a detective of the Uganda Police Force who took part in the Applicant's detention and interrogation, and whom the Applicant sues in his personal capacity.

i. The 8th Respondent, Maj. Gen. Abel Kandiho, is an officer of the Uganda Peoples' Defence Forces who at the material time served as Chief of the Chieftaincy of Military Intelligence, whose headquarters at Mbuya held the Applicant, and whom the Applicant sues in his personal capacity.

j. The Applicant, as a human being, is entitled to the inherent dignity and the fundamental rights and freedoms that Chapter Four of the Constitution recognises, including freedom from torture and cruel, inhuman or degrading treatment or punishment under Article 24, which Article 44(a) places beyond derogation. Articles 20(2) and 221 of the Constitution oblige the Respondents, as organs and agents of Government and as persons, to respect, protect and uphold the Applicant's human dignity and his freedom from torture and cruel, inhuman or degrading treatment or punishment.

k. On 19 April 2020 a combined detail of police officers and soldiers, led by the 2nd and 3rd Respondents, forced its way into the Applicant's home in Mityana without a warrant, searched it and arrested him, on the allegation that he had distributed food to his constituents in breach of the COVID-19 directives.

l. The Respondents held the Applicant at Mityana Central Police Station, at the headquarters of the Chieftaincy of Military Intelligence at Mbuya, then under the command of the 8th Respondent, and at the Special Investigations Division at Kireka, then under the command of the 4th and 5th Respondents, and did not produce him in court until 27 April 2020.

m. During the Applicant's arrest and detention, the 2nd to 8th Respondents, or officers acting under their command, punched and kicked him, sprayed

pepper into his eyes, bound him and forced him into a fixed and stressful position, and insulted him for his tribe and his political party.

n. The Respondents denied the Applicant access to his family, his lawyers and medical treatment of his choice, and on 22 April 2020, still holding him in custody, took him to the Iran-Uganda Hospital at Naguru.

o. The Applicant suffered injuries to his eyes, his back and his right leg, and continuing psychological harm, as the medical reports attached to his affidavit show.

p. Freedom from torture and cruel, inhuman or degrading treatment is non-derogable under Article 44(a) of the Constitution, and no lawful justification exists for the acts complained of.

q. The 2nd to 8th Respondents are personally liable for the violations under Section 10 of the Human Rights (Enforcement) Act, (Cap. 12), and the 1st Respondent is vicariously liable for the acts of the servants and agents of the State.

r. It is just and equitable that this Honourable Court grant the declarations and orders sought.

DATED at Kampala this _____ day of _____ [YEAR].

COUNSEL FOR THE APPLICANT

ISSUED at Kampala this _____ day of _____ [YEAR].

REGISTRAR

Drawn and filed by:

M/s Kiiza & Mugisha Advocates

Master Plaza, 1st Floor, Room F.10, Plot 88, Ben Kiwanuka Street, Kampala

Template 2: Affidavit in Support

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

(CIVIL DIVISION)

MISCELLANEOUS CAUSE NO. _____ OF [YEAR]

IN THE MATTER OF ARTICLES 20, 21, 23, 24, 28, 44 AND 50 OF THE CONSTITUTION OF THE REPUBLIC OF UGANDA

AND

IN THE MATTER OF THE HUMAN RIGHTS (ENFORCEMENT) ACT, (CAP. 12) AND THE PREVENTION AND PROHIBITION OF TORTURE ACT, (CAP. 130)

AND

IN THE MATTER OF AN APPLICATION FOR THE ENFORCEMENT OF THE RIGHT OF HON. FRANCIS BUTEBI ZAAKE TO FREEDOM FROM TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

HON. FRANCIS BUTEBI ZAAKE :: **APPLICANT**

VERSUS

1. **ATTORNEY GENERAL**

2. **BOB KAGARURA**

3. **ALEX MWINE**

4. **ELLY WOMANYA**

5. **MUSA WALUGEMBE**

6. **HAMDAN TWESIGYE**

7. **HARUNA MULUNGI NSAMBA**

8. **MAJ. GEN. ABEL KANDIHO** :::::::::::::::::::: **RESPONDENTS**

AFFIDAVIT IN SUPPORT OF THE NOTICE OF MOTION

I, **HON. FRANCIS BUTEBI ZAAKE**, of [address], an adult male Ugandan of sound mind, make oath and state as follows:

1. That I am the Applicant in this matter and the Member of Parliament for Mityana Municipality, and I swear this affidavit in support of the Notice of Motion from facts within my own knowledge, save where I state otherwise and give the source of my information.

2. That on 18 and 19 April 2020, during the COVID-19 lockdown, I bought rice and sugar and arranged for boda boda riders to distribute them to vulnerable residents of my constituency.

3. That on 19 April 2020, while I was taking a shower at my home in Mityana, a combined detail of police officers and soldiers jumped over the wall fence of my home and entered without a warrant.

4. That I demanded to see a search warrant, but the officers produced none. The officers ransacked my house, destroying and taking property, including [describe property and any cash taken].

5. That the 2nd Respondent, then the Wamala Regional Police Commander, and the 3rd Respondent, then the Mityana District Police Commander, led the arrest and bundled me onto a waiting police pickup truck.

6. That the officers took me to Mityana Central Police Station and placed me in the cells with about twenty other suspects.

7. That the officers later removed me from the cells. In the process they punched and kicked me, and sprayed an unknown substance directly into my eyes, causing me unbearable pain. The officers tied my hands and legs and forced me into a fixed and stressful position in the back of a police pickup truck [confirm particulars].

8. That the officers drove me to the headquarters of the Chieftaincy of Military Intelligence at Mbuya, then under the command of the 8th Respondent, where [describe what was done and by whom], and I was questioned about my political affiliation.

9. That the officers then took me to the Special Investigations Division at Kireka, then under the command of the 4th Respondent, with the 5th Respondent as officer in charge, where [describe what was done and by whom, including any acts of the 6th and 7th Respondents].

10. That throughout my detention my captors insulted me on account of my tribe and my political affiliation.

11. That my captors did not allow me to see my family or my lawyers in the first days of my detention, and denied me medical treatment of my choice.

12. That on 22 April 2020 the police, still holding me in custody, took me to the Iran-Uganda Hospital at Naguru, where a doctor referred me to an ophthalmologist.

13. That the Respondents held me in these places, none of which anyone told me was a gazetted place of detention, until they produced me before the Chief

Magistrate's Court at Mityana on 27 April 2020, more than a week after my arrest.

14. That after my release Rubaga Hospital admitted me, placed me on oxygen and treated me on the surgical ward. I attach copies of my medical records, marked Annexure "A".

15. That doctors of the African Centre for Treatment and Rehabilitation of Torture Victims examined me, and their report recommends regular physiotherapy of my back and lower limbs, psychological therapy and regular review by an ophthalmologist. I attach a copy of the report, marked Annexure "B".

16. That television footage of my arrest on 19 April 2020 shows me walking without any apparent injury. I attach photographs and video recordings of my injuries taken after my detention, marked Annexure "C".

17. That on 7 May 2020 the Minister of Internal Affairs told Parliament that I had inflicted my injuries on myself by knocking myself on the metal of a police pickup truck. That statement is false. I attach a copy of the Minister's statement, marked Annexure "D".

18. That as a result of the acts described above, I suffered injuries to my eyes, my back and my right leg. I continue to suffer pain, impaired sight and difficulty in walking, as well as fear, sleeplessness and humiliation.

19. That the 2nd to 8th Respondents acted, or allowed officers under their command to act, in the course of their duties as servants and agents of the State, for whose conduct the 1st Respondent is liable.

20. That I swear this affidavit in support of the application for the declarations and orders sought in the Notice of Motion.

21. That what I have stated herein is true and correct to the best of my knowledge, save where I have given the source of my information and belief.

SWORN at Kampala by the said **HON. FRANCIS BUTEBI ZAAKE** this _____ day of _____ [YEAR].

DEPONENT

BEFORE ME:

COMMISSIONER FOR OATHS

Drawn and filed by:

M/s Kiiza & Mugisha Advocates

Master Plaza, 1st Floor, Room F.10, Plot 88, Ben Kiwanuka Street, Kampala

Template 3: Summary of Evidence, List of Witnesses, List of Documents and List of Authorities

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

(CIVIL DIVISION)

MISCELLANEOUS CAUSE NO. _____ OF [YEAR]

IN THE MATTER OF ARTICLES 20, 21, 23, 24, 28, 44 AND 50 OF THE CONSTITUTION OF THE REPUBLIC OF UGANDA

AND

IN THE MATTER OF THE HUMAN RIGHTS (ENFORCEMENT) ACT, (CAP. 12) AND THE PREVENTION AND PROHIBITION OF TORTURE ACT, (CAP. 130)

AND

IN THE MATTER OF AN APPLICATION FOR THE ENFORCEMENT OF THE RIGHT OF HON. FRANCIS BUTEBI ZAAKE TO FREEDOM FROM TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

HON. FRANCIS BUTEBI ZAAKE :: **APPLICANT**

VERSUS

1. **ATTORNEY GENERAL**

2. **BOB KAGARURA**

3. **ALEX MWINE**

4. **ELLY WOMANYA**

5. **MUSA WALUGEMBE**

6. **HAMDAN TWESIGYE**

7. **HARUNA MULUNGI NSAMBA**

8. **MAJ. GEN. ABEL KANDIHO** :::::::::::::::::::: **RESPONDENTS**

SUMMARY OF EVIDENCE, LIST OF WITNESSES, LIST OF DOCUMENTS AND LIST OF AUTHORITIES

I. SUMMARY OF EVIDENCE

The Applicant will adduce the evidence set out in the affidavit in support of the Motion.

II. LIST OF WITNESSES

1. Hon. Francis Butebi Zaake, the Applicant.
2. Any other witness with the leave of Court.

III. LIST OF DOCUMENTS

1. Medical records of Rubaga Hospital (Annexure "A").
2. Report of the African Centre for Treatment and Rehabilitation of Torture Victims (Annexure "B").
3. Photographs and video recordings of the arrest and of the Applicant's injuries (Annexure "C").
4. Statement of the Minister of Internal Affairs to Parliament, 7 May 2020, and the Hansard of that sitting (Annexure "D").
5. Records of the Iran-Uganda Hospital, Naguru, of April 2020 (for production by its custodian).
6. Statements of the Uganda Police Force on the Applicant's arrest and detention, and the charge sheet in the Chief Magistrate's Court at Mityana.
7. Any other document with the leave of Court.

IV. LIST OF AUTHORITIES

1. The Constitution of the Republic of Uganda, 1995, Articles 20, 21, 23, 24, 28, 44 and 50.
2. The Human Rights (Enforcement) Act, (Cap. 12).
3. The Prevention and Prohibition of Torture Act, (Cap. 130).
4. The Judicature (Fundamental and Other Human Rights and Freedoms) (Enforcement Procedure) Rules, S.I. No. 31 of 2019.

5. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Articles 1, 2, 14 and 15.

6. The African Charter on Human and Peoples' Rights, Article 5; the Robben Island Guidelines (2002); and the African Commission's General Comment No. 4 on the Right to Redress for Victims of Torture (2017).

7. *Attorney General v Susan Kigula and 417 Others*, Constitutional Appeal No. 3 of 2006 (Supreme Court).

8. *Kakwenza Rukirabashaija v Attorney General* (High Court, 2024).

9. *Rookes v Barnard* [1964] AC 1129 (exemplary damages for oppressive, arbitrary or unconstitutional action by servants of the government).

10. *Ireland v United Kingdom* (1978) 2 EHRR 25; *Aksoy v Turkey* (1996) 23 EHRR 553; *Selmouni v France* (1999) 29 EHRR 403.

11. *Prosecutor v Furundžija*, IT-95-17/1-T (10 December 1998).

12. *D.K. Basu v State of West Bengal* (1997) 1 SCC 416.

13. *Media Rights Agenda v Nigeria*, Communication 224/98 (African Commission, 2000).

14. Any other authority with the leave of Court.

DATED at Kampala this _____ day of _____ [YEAR].

COUNSEL FOR THE APPLICANT

Drawn and filed by:

M/s Kiiza & Mugisha Advocates

Master Plaza, 1st Floor, Room F.10, Plot 88, Ben Kiwanuka Street, Kampala

Template 4: Bench Protocol on the Production of a Visibly Tortured Suspect

This protocol sets out what the law requires of a Ugandan magistrate before whom the State produces a suspect bearing visible signs of torture, particularly where the suspect is unrepresented and the State presses for remand. Each step rests on a statutory or constitutional duty.

1. **Stop the proceedings and secure medical treatment.** No proceedings continue while a suspect is bleeding in the dock. The magistrate orders immediate treatment at the nearest government health facility. Article 23(5) of

the Constitution guarantees a detained person access to medical treatment, and Section 25(3) of the Police Act, (Cap. 324) contemplates examination and treatment at the State's expense. If the suspect cannot stand, follow or speak to the proceedings, the magistrate adjourns the matter. The magistrate takes no plea from an injured, frightened and unrepresented person, because such a plea is worthless.

2. **Record the injuries and the circumstances of custody.** In the presence of the parties, the magistrate records the nature and location of the visible injuries, the presence of blood, and the suspect's ability to stand and speak. The record also notes the names, numbers and unit of the officers who produced the suspect, and the place and dates of arrest and detention. Where facilities allow, court staff photograph the injuries. The record is the foundation of all later accountability.

3. **Clear the courtroom of the custodians, then ask.** The magistrate asks the arresting and escorting officers to step out of the courtroom. Through an interpreter if needed, and in plain language, the magistrate then asks the suspect how they came by the injuries, without leading questions. Silence is not treated as consent or waiver, least of all from an unrepresented person. Visible injuries give the magistrate reasonable grounds to suspect torture, which engages the magistrate's own duty to report under Section 20 of the Prevention and Prohibition of Torture Act, (Cap. 130) and makes the question obligatory. Any answer alleging ill-treatment in custody is a complaint of torture within Section 25(3) of the Police Act.

4. **Order an independent investigation.** Once the suspect complains, Section 25(3) provides that the magistrate "shall order an investigation into the allegation". The magistrate makes the order at once. It directs the Inspector General of Police to cause the complaint to be investigated by officers unconnected with the arresting unit, such as the Professional Standards Unit, and never by the officers or unit that held the suspect. Because the alleged torturers are usually the police themselves, the order also directs the Inspector General of Police to preserve forthwith all custody records, station diary entries and recordings relating to the suspect's detention, before they go missing. The order requires the prosecution to inform the court, by a short date, of the steps taken on the complaint.

5. **Order an independent medical examination.** The magistrate directs examination by an independent government medical officer, not one attached to or requested by the arresting unit. The medical officer records the findings on Form 4 of the Prevention and Prohibition of Torture Regulations, 2017, the medical examination form for victims of torture, and files it in court. Prompt examination preserves evidence that will otherwise heal or be lost.

6. **Approach the prayer for remand with caution.** After plea, the State ordinarily prays for remand. The prayer is a request, not a command, and Article 128 protects the magistrate's independence for such a moment. Once the State has produced the suspect in court, police custody ends: the only lawful place of remand is a prison (Articles 23(2) and 23(4)). Where the offence is one for which the magistrate may grant bail, the magistrate explains the right to apply for bail under Article 23(6) and, because the suspect has no advocate, considers bail on the court's own motion. That the suspect has been visibly ill-treated in custody is itself a weighty reason against further detention. Where the offence is triable only by the High Court, the magistrate cannot grant bail and must remand the suspect to prison, but attaches directions to the remand warrant: the officer in charge of the prison records the suspect's injuries on admission and ensures that the suspect receives medical treatment at the State's expense; no one releases the suspect into the custody of the arresting officers, or removes the suspect from prison for "further investigations", without the leave of the court; and the State produces the suspect again within days, so that the court may see their condition for itself. These directions matter because Section 57(3) of the Prisons Act, (Cap. 325) requires the officer in charge to refuse admission to a person who is "severely tortured and is in a bad health condition", and the Act provides no onward route for a person the prison refuses (Part VII.H).

7. **Secure legal representation.** The magistrate informs the suspect of the right to an advocate and refers them to legal aid, such as Justice Centres Uganda or the Uganda Law Society's legal aid project. Where the charge carries the death penalty or life imprisonment, Article 28(3)(e) entitles the suspect to legal representation at the State's expense. Until the suspect is represented, the court protects them from any step they cannot safely take alone, above all the taking of a plea.

8. **Preserve the exclusionary issue for trial.** The magistrate records the allegation of torture so that the trial court tests any confession, admission or statement the State later relies on in a trial within a trial under Regulation 10 of the 2017 Regulations, and excludes it under Section 14 of the Prevention and Prohibition of Torture Act if the State obtained it by torture. Following *Faruku Muhamed & 2 Others v Attorney General*, the trial may continue, but the court may not admit the fruits of torture.

9. **Consider rights enforcement.** Where the suspect alleges incommunicado detention, detention in an ungazetted place, or denial of access to family, counsel or a doctor, the magistrate records it and considers whether to invoke proceedings under the Human Rights (Enforcement) Act, (Cap. 12) or refer the matter to the High Court at once.

10. **Report, copy and protect.** The magistrate reports the suspected torture to the police as Section 20 of the Prevention and Prohibition of Torture Act requires, and copies the order to the Chief Magistrate, the Director of Public Prosecutions, the Inspector General of Police and the Commissioner General of Prisons. Under Section 21 of that Act, the magistrate directs the State to protect the suspect and any witnesses from reprisal or intimidation.

11. **Where the investigation proves the allegation, complete the statutory sequence.** When the investigation report establishes torture, Section 25(3) of the Police Act requires the magistrate to order "compensation, examination and treatment of the person affected at the expense of the State", and to ensure that "any person responsible for the torture shall be charged". Section 6 of the Prevention and Prohibition of Torture Act additionally empowers the court to order reparations. The magistrate also remains the gateway to private prosecution under Section 42 of the Magistrates Courts Act, (Cap. 19) and Section 12 of the Prevention and Prohibition of Torture Act, should the State fail to charge the culprits.

A model record. "The State has produced the accused before this court bleeding and bearing visible injuries, and prays for remand. The court has recorded his condition. In the absence of the arresting officers, the accused states that officers beat him while in custody. The court treats that statement as a complaint of torture within Section 25(3) of the Police Act. The court directs the Inspector General of Police to cause the complaint to be investigated by officers unconnected with the arresting unit, and to preserve forthwith all custody records, station diary entries and recordings relating to the accused's detention. An independent government medical officer shall examine the accused forthwith and file a report on Form 4 of the Prevention and Prohibition of Torture Regulations, 2017 in court. [The court grants the accused bail on the following terms: … / The offence being triable only by the High Court, the court remands the accused to prison.] The officer in charge of the prison shall record the accused's injuries on admission and ensure that he receives medical treatment at the State's expense, and no one shall release the accused into the custody of the arresting officers pending the next hearing. The prosecution shall inform this court at the next hearing of the steps taken on the complaint. The Registrar shall copy this order to the Director of Public Prosecutions, the Inspector General of Police and the Commissioner General of Prisons."

The bracketed sentence offers two alternatives. The magistrate uses the first where the offence is one for which the court may grant bail, and the second where the offence is triable only by the High Court. The prison directions that follow apply only where the court remands the accused.