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COURT AFFIRMS RIGHT TO PEACEFUL PROTEST AND CONDEMNS
DETENTION BEYOND 48 HOURS

Ugandans seeking to enjoy their constitutional rights to personal liberty, peaceful assembly, and freedom from unlawful detention among others have registered a major win after Justice Collins Acellam of the High Court in Kampala delivered a ruling that affirms citizens' rights to enjoy the above and other freedoms.

The judge delivered the ruling on May 21, 2026 following a case filed by four climate youth activists.

BACKGROUND

With the support of Africa Institute for Energy Governance (AFIEGO), the youth filed the case in June 2024 following their arrest in Kampala by three police officers.

The youth were arrested on October 4, 2022.

The youth were marching to the European Union (EU) offices in Kampala to deliver a petition regarding concerns over the East African Crude Oil Pipeline (EACOP) project when they were arrested.

The youth were detained at the Central Police Station (CPS) in Kampala among other police stations until October 10, 2022. Their detention without trial lasted six days, contrary to constitutional provisions.

In addition, the youth assert that they were violently arrested, beaten, pushed, and roughly handled during their arrest.

Furthermore, they aver that during their detention, they were required to record statements in the absence of their legal representatives and were not afforded adequate opportunity to consult any lawyers.

The youth filed the case against the Government of Uganda (GoU) and the three police officers that arrested them.

RELIEFS SOUGHT

The youth sought the following reliefs from court:

- (a) A declaration that their arrest during their peaceful protest violated the youth's personal liberty and freedom of movement contrary to Articles 23(3)(3)(5)(a) and 29(a) of the Constitution;
- (b) A declaration that the youth's arrest and detention by police violated the youth's right to freedom of expression, thought, opinion, petitioning, assembly and association contrary to Article 29(1) of the Constitution;
- (c) A declaration that police's refusal to allow the youth the benefit of recording their police statements in the presence of their lawyers violated their right to administrative fairness contrary to Articles 23(5)(b) and 42 of the Constitution; and
- (d) A declaration that police's brutal arrest, beating, roughing up, hitting and bundling the youth in the rear of a police patrol vehicle violated the youth's rights to dignity and freedom from cruel treatment contrary to Articles 24, 42 and 44 of the Constitution.

The youth also prayed for:

- (e) An order for general damages;
- (f) An order for punitive damages against the police officers;
- (g) An order that the costs of the suit are borne by the GoU and the police officers; and
- (h) Any other appropriate order the court deemed fit.

RULING

The case was heard between October 2024 and September 2025. Court committed to delivering the ruling on the case on November 21, 2025.

However, the ruling was only delivered on May 21, 2026 following several engagements of the judiciary by the youth's lawyers.

Freedom from unlawful detention

In his ruling, Justice Acellam found that the youth had been unlawfully detained beyond 48 hours, contrary to constitutional provisions.

Justice Acellam observed, “The respondents [GoU and police officers] ... do not present evidence that the applicants [youth] were released within forty-eight hours, or that they were produced before court within that constitutional period.

The explanation given by the respondents is that the matter was under investigation and that the file was forwarded for perusal by the DPP [Director of Public Prosecutions]. That explanation may describe what happened administratively; it does not justify what happened constitutionally.”

He added, “The duty to investigate crime is real. So is the duty to consult the DPP. But neither duty suspends Article 23(4). Where investigations are incomplete within forty-eight hours, the Constitution gives the State only two lawful options: release the arrested person, with or without police bond, or produce the person before court.

It does not confer a third option of continued police detention until the file is satisfactory to the prosecution. The court finds that the applicants' detention from the 4th to the 10th day of October 2022, without production before court within forty-eight hours, contravened Article 23(4) of the Constitution and violated their right to personal liberty.”

Unlawful arrest and right to peaceful assembly

The judge also affirmed citizens' right to peaceful assembly. He noted that while the youth had been lawfully arrested, their participation in a peaceful protest was not criminal.

The judge observed, “Peaceful protest is not a favor dispensed by the State; it is a constitutional right”.

While police has a duty to lawfully restore public order where it is disrupted, Justice Acellam observed that, “Police power over demonstrations must always be exercised with constitutional humility. Demonstrators are not enemies of the State merely because they criticise a government policy or project.”

Cruel treatment and denial of access to lawyers

The judge found that the activists had not sufficiently proved allegations of torture and cruel, inhuman or degrading treatment. However, the judge was

Careful to clarify that this should not be interpreted as an endorsement of police brutality.

The court also ruled that the activists had not sufficiently proved that they were denied access to legal representation.

Damages

The youth were each awarded Shs. 10 million in general damages. Court declined to award costs.

REACTIONS

Reacting to the ruling, Mr. Vincent Lubega Nsamba, one of the youth that filed the case, said, “We filed the case to defend the constitutional rights of every citizen who has ever faced abuse or could face abuse at the hands of police. The ruling, which was partially in our favor, provides some protection. This makes us happy.

It also sends one clear unmistakable message: police should respect the law.”

Mr. Dickens Kamugisha, the CEO of AFIEGO, says, “We hope that Ugandans will use the ruling to reclaim their rights and freedoms. Government has increasingly cracked down on citizens’ rights and freedoms and even put in place laws such as the Protection of Sovereignty Act to criminalise these freedoms. Ugandans must stand up and resist the attempts to take away their freedoms.”

*****ENDS*****

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