

## STATEMENT ON THE ARREST AND DETENTION OF MR. SAMUEL K. GANAFA AND FOUR OTHERS

### *For Immediate Release*

Thursday 14.11.2013

Kampala, Uganda

Mr. Samuel K Ganafa, The Executive Director of Spectrum Uganda Initiatives and Board Chairperson of Sexual Minorities Uganda (SMUG), was arrested on Tuesday November 12, 2013. He had reported to Kasangati Police Station on the outskirts of Kampala pursuant to a phone call from the District Police Commander Chemonges Seiko asking him to report to the said station.

Upon reporting to the station he was immediately handcuffed by a police officer. Without show a warrant of arrest he was forced onto a police pickup truck and taken twice to his residence, which was searched. The search was conducted without a search warrant. During the unwarranted search three houseguests of Mr. Ganafa, namely Joseph Kayizi, Kasali Brian and Michael Katongole were also arrested and taken to the police for questioning as well. His nephew Brian Kasirye who had rushed to the police station to check on him was also detained.

Later the police subjected Mr. Ganafa to an HIV test without a court order or his consent.

Yesterday Wednesday 13<sup>th</sup> November, we received news that a one Disan Twesiga was the complainant. Disan alleges that Sam infected him with HIV and that there is more information in Mr. Ganafa's reading room prompting another search of the residence. The police took him along for all the three times they searched.

As of today November 14<sup>th</sup> the complainant Disan Twesiga has held a press conference with all media houses at Kasangati Police Station. The police paraded Mr. Ganafa before the media during a press conference. This is despite the fact that he has not been found guilty by a court and is thus presumed innocent under the law. By close of business today, all the five suspects remain in custody without being officially charged and without being brought before court despite the expiry of the constitutionally warranted 48 hours.

Sexual Minorities Uganda (SMUG), Spectrum Uganda, Civil society coalition on Human Rights and Constitutional Law are closely following the case, and have instructed lawyers to represent all the accused. An application for the release of the detainees has been filed and is pending hearing as there was no Magistrate to hear it today.

Sexual Minorities Uganda, Spectrum Uganda Initiatives and Civil Society Coalition on Human Rights and Constitutional Law strongly condemn the manner in which Mr. Ganafa was arrested and the manner in which the searches were conducted, his humiliating display before the press, as well as the violation of the 48 hour rule for producing a suspect before court.

We also call upon the Ugandan Police to release Mr. Ganafa and the four other arrested persons or immediately produce them before a court of law, and we urge them to respect the basic rights of the suspects.

It is worth noting that this is not an isolated case, but it is one of a series of documented arrests targeted against the Lesbian Gay Bisexual Transgender and Intersex (LGBTI) persons in Uganda. We therefore call upon the police to STOP the continued intimidation of the entire LGBTI community and the legal representatives of the detained persons.

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