

Pre-trial Detention in Uganda

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Executive Summary

Despite a legal framework that is, on the whole, compliant with international human rights standards, implementation of the procedural safeguards for arrest and detention is weak in Uganda. Most pre-trial detainees are victims of arbitrary arrests and do not enjoy the rights that accrue to them during their arrest and detention. Sometimes this is based on inadequate police training and capacity for criminal investigations, discrimination, political interference and corruption, among others. Detainees who are poor and cannot afford legal services often remain in custody for a longer time.

Prolonged pre-trial detention has adverse effects on the rights of detainees to a fair and speedy trial. Detainees are often held in overcrowded facilities, which may have an impact on their health and which increases their risk of being subjected to torture and other cruel, inhuman and degrading treatment or punishment. Most detention facilities in Uganda are not suitable for housing detainees, and there are frequent challenges in providing food, water and other basic necessities such as hygiene, sanitation and bedding. Moreover, many of these facilities are dilapidated, overcrowded and have inadequate space, lighting and ventilation. Most inmates do not have access to adequate food and water especially in police cells. Inmates often lack clothing and bedding, access to health services, facilities for personal hygiene and access to opportunities for exercise.

There are oversight and accountability mechanisms at the national and international level. National mechanisms include both the internal and external mechanisms, but these are weak and need to be strengthened if they are to contribute to improved accountability. The mechanisms at the regional and international level also provide such opportunities, but cannot work in isolation, and need to be understood as complementing national measures. Therefore, for the regional and international mechanisms to work, it is important for them to work in cooperation with the state, and other national mechanisms.

1 Introduction

Pre-trial detention refers to the locking up of a suspect or an accused person on criminal charges in police stations and prisons before the completion of their trial. Although detention pending trial should be the exception rather than the rule, its use is prevalent in Uganda. Indeed, pre-trial detainees constitute a large proportion of the inmates causing overcrowding at police stations and prisons. Currently, more than half of the inmates in prisons are on remand awaiting trial.¹ Recent data indicate that the total number of detainees in Ugandan prisons (both pre-trial and sentenced detainees) is 34 000, with an estimated 32% of these being pre-trial detainees.² The high number of detainees on remand is the result of a number of factors, including slow investigations by police, corruption, a backlog of cases in courts due to limited resources including judicial personnel, among other factors.³ Delays on remand have adverse effects on the rights of detainees to a fair and speedy trial. At police stations in some cases suspects are detained beyond the prescribed 48 hours without being granted police bond. It is indeed a practice for police to arrest suspects before concluding investigations and to continue investigations whilst the suspect is in police detention.⁴ Detainees are often held in overcrowded facilities (it is estimated that prison occupancy is 213.8%),⁵ which impacts on health and safety, and increases their risk of being subjected to torture and other cruel, inhuman and degrading treatment or punishment.

This study describes the extent and nature of pre-trial detention in Uganda and assesses the extent to which Uganda's law and practice comply with the international standards for the use and conditions of pre-trial detention. The study in particular highlights the challenges faced by pre-trial detainees in Uganda and makes appropriate recommendations.

2 Methodology

The research methodology for this study included an extensive literature review of relevant material and documents available on pre-trial detention in Uganda. These included laws such as the Ugandan Constitution and other relevant domestic legislation, and ratified international instruments. Other documents that were reviewed comprised documents from the United Nations (UN) including the UN Universal Periodic Review and relevant UN treaty bodies and Special Procedures Reports; documents from the African Commission on Human and Peoples' Rights; reports of the Uganda Human Rights Commission; reports produced by national and international civil society organisations; and media reports.

3 Legislative Framework in Uganda

Uganda is subject to various laws at the international, regional and national level in relation to pre-trial detention. At the international level, the applicable law includes the universal human rights treaties, which Uganda has ratified. This is in addition to the regional instruments including the African Charter on Human and Peoples' rights. Uganda is also subject to the human rights standards contained in instruments such as the International Covenant on Civil and Political Rights (ICCPR),⁶ the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁷ the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT),⁸ the United Nations Convention on the Rights of the Child (CRC),⁹ the

1 Justice Law and Order Sector Secretariat. 2011. *Annual Performance Report 2010/2011*. Kampala: Justice Law and Order Sector Secretariat. <http://www.jlos.go.ug/publications.php>

2 International Centre for Prison Studies, http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=51, accessed 30 October 2012

3 Justice Law and Order Sector Secretariat. 2011. *Annual Performance Report 2010/2011*. Kampala: Justice Law and Order Sector Secretariat. <http://www.jlos.go.ug/publications.php>

4 Human Rights Watch. 2011. *Violence instead of Vigilance: Torture and Illegal Detention by Uganda's Rapid Response Unit*. New York: Human Rights Watch. <http://www.hrw.org/reports/2011/03/23/violence-instead-vigilance>

5 International Centre for Prison Studies, http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=51, accessed 30 October 2012

6 Uganda ratified the ICCPR on 21 June 1995

7 Uganda ratified the ICESCR on 21 January 1987

8 Uganda ratified the UNCAT on 3 November 1986

9 Uganda ratified the CRC on 7 August 1990

Convention on the Rights of Persons with Disabilities¹⁰ and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),¹¹ among others.

Uganda is also subject to a range of African regional instruments including the African Charter on Human and Peoples' Rights,¹² the Protocol to the African Charter on the Rights of Women in Africa,¹³ the Protocol to the African Charter establishing the African Court on Human and Peoples' Rights¹⁴ and the African Charter on the Rights and Welfare of the Child (ACRWC),¹⁵ among others.

At the national level, the applicable law includes the Constitution of the Republic of Uganda,¹⁶ Penal Code Act,¹⁷ and Trial on Indictments Act,¹⁸ Criminal Procedure Code,¹⁹ Police Act,²⁰ Prisons Act,²¹ Uganda Peoples' Defence Forces Act²² and the Children's Act,²³ among others. These prescribe the rules for the treatment of detainees.

4 Legal Safeguards for Pre-trial Detainees and Review of Practices

There are procedural safeguards provided in both international, regional and international law relating to the arrest, conditions of detention, right to a fair trial and protection from torture and other cruel, inhuman and degrading treatment or punishment, among others. The discussion below reviews these safeguards, and then reflects on evidence relating to actual practice in Uganda.

4.1 Arrest

Arrests can be made by the Uganda Police Force, Uganda Peoples' Defence Forces and ordinary citizens, who would have to hand over the arrested person to the appropriate authorities depending on the crime. The Uganda Peoples' Defence Forces handle military personnel and other individuals who are subject to the Ugandan Peoples' Defence Forces Act, for example, those found in illegal possession of firearms. It is important to note that there have been special agencies which combine the Police and the Military such as the Joint Anti-Terrorism Taskforce (JATT) and the recently disbanded Rapid Response Unit (which is notorious for human rights violations²⁴).

Ugandan law provides for the right to personal liberty.²⁵ The Constitution provides that 'no person shall be deprived of personal liberty' except for certain cases such as the execution of a sentence or a court order; preventing the spread of an infectious or contagious disease; the case of a person of unsound mind; for purposes of preventing unlawful entry into the country, among others.²⁶ A person arrested under Ugandan law has the following rights:

- Right to be kept in a place authorised by law²⁷
- Right to be informed in a language they understand the reasons for the arrest, restriction or detention and of their right to a lawyer of their choice²⁸
- Right to be brought to court as soon as possible but not later than 48 hours²⁹

10 Uganda ratified the CRPD on 25 September 2008

11 Uganda ratified the CEDAW on 22 July 1985

12 Uganda ratified the African Charter on 10 May 1986

13 Uganda ratified the Protocol to the African Charter on the Rights of Women on 22 July 2010

14 Uganda ratified the Protocol to the African Charter establishing the Court on 16 February 2001

15 Uganda ratified the ACRWC on 17 August 1994

16 Constitution of the Republic of Uganda, 1995, as amended 2000 and 2005

17 Penal Code Act, 1950

18 Trial on Indictments Act, 1970

19 Criminal Procedure Code Act, 1950

20 Police Act, 2012

21 Prisons Act, 2006

22 Uganda Peoples' Defence Forces Act, 2005

23 Children's Act, 1996

24 Human Rights Watch. 2011. *Violence instead of Vigilance: Torture and Illegal Detention by Uganda's Rapid Response Unit*. New York: Human Rights Watch. <http://www.hrw.org/reports/2011/03/23/violence-instead-vigilance>. See also Uganda Human Rights Commission, Annual Reports for 2010 and 2011, www.uhrcr.org

25 Provisions are similar to the International Covenant on Civil and Political Rights, article 9(1) and the African Charter, articles 6 and 7

26 Constitution of the Republic of Uganda, article 23

27 Constitution of the Republic of Uganda, article 23(2)

28 Constitution of the Republic of Uganda, article 23(3), International Covenant on Civil and Political Rights, article 9(2)

29 Constitution of the Republic of Uganda, article 23(4), International Covenant on Civil and Political Rights, article 9(3)

- Right to have their next of kin informed, at their request and as soon as practicable, of the restriction or detention³⁰
- Right to access the next-of-kin, lawyer and personal doctor³¹
- Right to access medical treatment including, at the request and at the cost of that person, access to private medical treatment³²
- Right to bail³³
- Right to compensation for unlawful arrest, restriction or detention³⁴
- Right to deduct from their sentence days spent in custody before the completion of the trial³⁵
- Right of *habeas corpus*³⁶
- Right to protection from torture and other cruel, inhuman or degrading treatment or punishment³⁷
- Right to a fair trial³⁸
- Right to a lawyer at the expense of the state for offences that carry the death penalty or life imprisonment³⁹

On the whole, Ugandan law, especially the Constitution, complies with international human rights standards relating to arrest. The Constitution provides for protection against arbitrary arrest and detention; however, challenges are often found in the implementation of the law, which inevitably affects the enjoyment of those rights.⁴⁰

4.1.1 Right to be kept in a place authorised by law

Ugandan law explicitly prohibits keeping individuals in unauthorised places of detention, i.e. those that have not been officially gazetted by the Minister of Internal Affairs. In spite of the law, there are reports of the use of 'safe houses' or unauthorised places of detention.⁴¹ Those placed in safe houses have included terrorism and treason suspects, civil debtors and persons selected for such detention due to personal disputes.⁴² Detention of suspects in unauthorised places of detention exposes them to torture and other cruel, inhuman and degrading treatment and punishment.⁴³ Moreover, most detainees in such unauthorised places are often not brought to court within the requisite 48 hours. The Uganda Human Rights Commission (UHRC), the national human rights institution, has received a few complaints of people detained in unauthorised places referred to as 'safe houses'. In 2010, the UHRC received at least nine such complaints.⁴⁴ Concerns of detention in unofficial places of detention were also raised during Uganda's Periodic Review in October 2011, although Ugandan government representatives denied these allegations.⁴⁵ Detention in unauthorised places of detention is especially used by the JATT.⁴⁶

4.1.2 Right to be informed in a language they understand regarding the reasons for the arrest, restriction or detention and of their right to a lawyer of their choice

Although there is a legal right to information in a language that one understands regarding the reasons for the arrest, restriction or denial of the right to a lawyer of their choice,⁴⁷ this is not enjoyed

30 Constitution of the Republic of Uganda, article 23(5)(a)

31 Constitution of the Republic of Uganda, article 23(5)(b)

32 Constitution of the Republic of Uganda, article 23(5)(c)

33 Constitution of the Republic of Uganda, article 23(6), Magistrates Courts Act, section 76

34 Constitution of the Republic of Uganda, article 23(7)

35 Constitution of the Republic of Uganda, article 23(8)

36 Constitution of the Republic of Uganda, article 23(9) and International Covenant on Civil and Political Rights, article 9(4)

37 Constitution of the Republic of Uganda, article 24

38 Constitution of the Republic of Uganda, article 28

39 Constitution of the Republic of Uganda, article 28(3)(e)

40 Afuna Adula. Undated. *A History of the Violation of the Right to Personal Liberty in Uganda: Are there any improvements?* <http://ebookbrowse.com/a-history-of-the-violation-of-the-right-to-personal-liberty-in-uganda-doc-d107679647>, accessed 30 October 2012

41 Report of the Working Group on the Universal Periodic Review: Uganda, A/HRC/19/16, §92 and Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15(c) of the annex to Human Rights Council resolution 5/1 – Uganda, A/HRC/WG.6/UGA/3, §30

42 Amnesty International. 2007. *Uganda*. <http://www.amnesty.org/en/region/uganda/report-2007>, accessed 30 October 2012

43 Human Rights Watch. 2009. *Open Secret: Illegal Detention and Torture by the Joint Anti-Terrorism Task Force in Uganda*. New York: Human Rights Watch. <http://www.hrw.org/reports/2009/04/07/open-secret-0>. Also see The Redress Trust. 2007. *Torture in Uganda: A Baseline Study on the Situation of Torture Survivors in Uganda*. London: The Redress Trust

44 Uganda Human Rights Commission. 2011. *Annual Report 2010*. Kampala: Uganda Human Rights Commission. p. 12

45 Report of the Working Group on the Universal Periodic Review: Uganda, A/HRC/19/16, p. 12, §92, p.13, §105

46 Human Rights Watch. 2009. *Open Secret: Illegal Detention and Torture by the Joint Anti-Terrorism Task Force in Uganda*. New York: Human Rights Watch. <http://www.hrw.org/reports/2009/04/07/open-secret-0>

47 Constitution of the Republic of Uganda, article 28(3)(f)

in practice.⁴⁸ Most suspects are not informed about the reasons for arrest, restriction or detention and of their right to a lawyer of their choice. Information regarding the arrest and the reasons for the restriction and detention are often provided after they have been taken to the police stations or police posts when they have to make their statements. There have also been incidents where suspects detained in police cells alleged that they did not know why they were arrested, restricted or detained. Most suspects and detainees are poor and do not know about their rights including the right to a lawyer and even if they did, most cannot afford their services.⁴⁹

4.1.3 Right to be brought to court as soon as possible but not later than 48 hours

The Constitution provides that suspects, if not released earlier, must be brought to court within 48 hours. However, this is often ignored or deliberately circumvented. The bulk of the complaints received by the UHRC are allegations of torture and other cruel, inhuman and degrading treatment or punishment, and detention beyond 48 hours before being brought to court. In 2010, 42% of the complaints that were reported to the UHRC were against the Uganda Police Force involving detention beyond the stipulated 48-hour period.⁵⁰ In several cases, the UHRC has found the Attorney General liable for the violation of the right to liberty where suspects have stayed longer than 48 hours in custody, and has ordered compensation for these victims.⁵¹ The courts have affirmed this. For example, in the case of *Kidega Alfonso v. Attorney General*, the court found that Mr Alfonso's detention for nine days before appearing in court on a murder charge was unlawful.⁵²

Failure to bring suspects to court within 48 hours is often the result of a lack of training in professional investigative procedures, inadequate facilitation with equipment for efficient and quick investigations, the overreliance on confessions and corruption in the judiciary, among others.⁵³ Suspects of terrorism and other capital offences are commonly victims of detention for periods longer than the requisite 48 hours. Such detention often creates an environment where torture and other ill treatment are likely to occur. The police detention facilities are not suitable for long stays and the suspects often face challenges with the provision of food, water and other basic necessities such as hygiene, sanitation and bedding.

4.1.4 Right to access the next of kin, lawyer and personal doctor

Those arrested and detained must have access to next of kin, doctors and lawyers.⁵⁴ However, the UHRC has received complaints that suspects are arrested with no effort being made to inform or to enable them to access their next of kin, doctors and lawyers.⁵⁵ Allegations of prolonged incommunicado detention by security agents (such as the JATT) have also been reported.⁵⁶ Uganda, like many countries in the region, has adopted anti-terrorism legislation.⁵⁷ Although Uganda's Terrorism Act of 2002 protects a number of due process rights, the practice has been different. There have also been some cases of this law being abused by charging people who have engaged in political activities under the Act.⁵⁸

4.1.5 Right to bail

Accused persons are entitled to apply to the court to be released on bail and the court may grant

48 United States Department of State, *Uganda*, www.state.gov/documents/organization/160149.pdf, accessed 29 October 2012

49 Chief Justice Benjamin Odoki, Keynote Address at the Opening of the National Legal Aid Conference, October 2011, <http://www.jlos.go.ug>, accessed 29 October 2012

50 Uganda Human Rights Commission. 2011. *Annual Report 2010*. Kampala: Uganda Human Rights Commission. <http://www.uhrc.ug>, accessed 29 October 2012, p. 17

51 Uganda Human Rights Commission, Annual Reports, <http://www.uhrc.ug>, accessed 29 October 2012

52 High Court Civil Suit No. 4 of 2000 [2008] UGHC 86, 27 June 2008

53 Justice Law and Order Sector Secretariat. 2011. *Annual Performance Report 2010/2011*. Kampala: Justice Law and Order Sector Secretariat. <http://www.jlos.go.ug/publications.php>, pp.84-85

54 Constitution of the Republic of Uganda, article 23

55 Uganda Human Rights Commission. 2011. *Annual Report 2010*. Kampala: Uganda Human Rights Commission. p.83

56 Human Rights Watch. 2009. *Open Secret: Illegal Detention and Torture by the Joint Anti-Terrorism Task Force in Uganda*. New York: Human Rights Watch. <http://www.hrw.org/reports/2009/04/07/open-secret-0>, pp.49-50

57 Nerida Nthamburi. Undated. *Fighting Terror in East Africa: Less Liberty for More Security? Analysis following Anti-Terrorism Legislation and Its Impact on Human Rights*, LLM dissertation, University of Cape Town

58 For example, in the recent case of *Uganda v. Roberty Sekabira & Others*, High Court Session Case No. 0085 of 2010, where rioters were charged with offences under the Act and kept in detention for close to three years without trial. The suspects were discharged after the Court found that the law had been abused

bail on such conditions, as it considers reasonable.⁵⁹ The Constitution further provides that persons shall be released on bail for cases which are tried by the High Court, as well as other subordinate courts, if they have been remanded in custody for 60 days,⁶⁰ and for cases which are tried only by the High Court if they have been remanded in custody for 180 days.⁶¹ In practice, however, there are many cases of persons remaining in detention for long periods before trial.⁶² If bail were applied in terms of the law, the number of pre-trial detainees in Uganda would be significantly reduced.

The President of Uganda, Mr Yoweri Museveni, recently made statements to the effect that bail should not be provided for certain categories of crime.⁶³ The President stated that bail should be scrapped for demonstrators and economic saboteurs. He also said that bail for capital offences such as treason, defilement, murder and rape should be denied until after 180 days on remand. Furthermore, he stated that rioting should be added to a list of offences which should not be granted bail. These calls have been opposed on the grounds that such an application of bail would be unconstitutional and discriminatory.⁶⁴ The President seems to have been particularly concerned about curbing the actions of opposition politicians who, it was feared, wanted to take over power in a manner similar to the Arab Spring through demonstrations and assemblies. Although most of the demonstrations and assemblies started peacefully, they ended up becoming riotous and leading to injuries, the loss of life and property as well as the disruption of economic activities.

There are a number of other concerns relating to bail in Uganda. These include: its lack of acceptability by the public, who often prefer the incarceration of suspects and accused persons until the trial is over; political interference; individuals failing to appear for the trial after their release; the difficult bail requirements for some individuals (e.g. sureties – persons who will ensure that the suspect does not abscond from court proceedings) and the money which has to be paid for security.⁶⁵

The Constitutional Court has refused to acknowledge bail as an automatic right. In *Foundation for Human Rights Initiative v. Attorney General*,⁶⁶ the Constitutional Court held that the objective and effect of bail are well settled. They are to ensure that an accused person appears to stand trial without the necessity of being detained in custody. The Court further noted that an accused person charged with a criminal offence is presumed innocent until proved guilty, or pleads guilty, and that if an accused person is remanded in custody but subsequently acquitted s/he could suffer gross injustice. According to the Court, however, this does not make bail automatic. Its effect is merely to release the accused from physical custody while s/he remains under the jurisdiction of the law and is bound to appear at the appointed place and time to answer the charge or charges against him/her.

4.1.6 Right to compensation for unlawful arrest, restriction or detention

Where a citizen has been subjected to an unlawful arrest, restriction or detention, they are entitled to compensation. However, many victims of such violations are not promptly compensated. The UHRC has handled several cases where victims of unlawful arrests, restriction and detention have expressed concern about the slow payment of awards of compensation by the Attorney General.⁶⁷ Although there are indications that the Ministry of Justice and Constitutional Affairs is prioritising these payments to victims of human rights violations, only a few victims have been compensated.

59 Constitution of the Republic of Uganda, article 23(6)

60 Constitution of the Republic of Uganda, article 23(6)(b)

61 Constitution of the Republic of Uganda, article 23(6)(c)

62 Uganda Human Rights Commission. 2011. *Annual Report 2010*. Kampala: Uganda Human Rights Commission. p.11

63 Uganda Radio Network. NRM Chief Whip Nasasira Insists Bail Should Be Debated, 16 July 2011. <http://ugandaradionet.com/a/story.php?s=35372&PHPSESSID=5a7c6ea40350d48944f6d3e9f04a04e6>

64 Uganda Law Society Press Statement on the Right to Bail, <http://www.uls.or.ug/details.php?load=uls&id=78&Uganda%20Law%20Society>

65 Foundation for Human Rights Initiative. 2011. *A Citizen's Handbook on The Law Governing Bail in Uganda*, <http://ppja.org/countries/uganda/Bail%20Handbook.pdf>

66 Constitutional Petition No. 20 of 2006 [2008] UGCC 1, 26 March 2008

67 Uganda Human Rights Commission. 2011. *Annual Report 2010*. Kampala: Uganda Human Rights Commission

4.1.7 Right to deduct from sentence days spent in custody before the completion of the trial

Where suspects are detained in custody for several days, as is the practice, before the completion of the trial, the court is required to deduct from their sentence days spent in custody before the completion of the trial.⁶⁸ On the whole, there have been no complaints that this has not been observed. Nevertheless, there have been complaints of long periods of detention after which cases have been withdrawn or where suspects are acquitted.

4.1.8 Right of habeas corpus

Habeas corpus is a constitutional and internationally recognised right that ensures that one is lawfully detained or otherwise released.⁶⁹ The writ of *habeas corpus* is used to question the legality of the restraint or detention and thereby facilitate the release of persons in unlawful custody. Whereas the application for *habeas corpus* may be made from the moment of arrest, if there have been valid proceedings subsequent to the arrest which are offered in justification of detention, a detainee may not get redress. Although the right to an order of *habeas corpus* is inviolable and cannot be suspended or derogated,⁷⁰ only a few people in detention apply for it. This could be because of ignorance about the right and the lack of a comprehensive and integrated system for legal aid service provision, which would enhance suspects' accessibility to lawyers and courts.

4.1.9 Right to protection from torture and other cruel, inhuman or degrading treatment or punishment

Freedom from torture and ill treatment is provided for in the Constitution as a non-derogable right.⁷¹ The Constitution further provides that it is not a right that can be derogated from, even in emergencies.⁷² Nevertheless, torture and ill treatment is rampant in Uganda. It is one of the most common complaints received at the UHRC. Table 1 illustrates the report of violations received by the UHRC for 2009, 2010 and 2011, and the percentage of these complaints against the total number of complaints received. In addition, the 2011 report of the UHRC also reflected the steady increase of these complaints between 2006 and 2011, with only 2010 showing a slight decrease.

Table 1: Complaints of torture, cruel, inhuman and degrading treatment and punishment to the Uganda Human Rights Commission

	2011	2010	2009
Complaints of torture, cruel, inhuman and degrading treatment and punishment	428	276	314
Total complaints	1 231	975	1 013
Percentage of total complaints	34.77	28.3	31.0

Source: Uganda Human Rights Commission, Annual Reports 2010, 2011 and 2012

Human Rights Watch and Amnesty International have also documented allegations of torture and other ill treatment.⁷³ This has been affirmed by local civil society organisations such as the African Centre for Treatment and Rehabilitation of Torture Victims.⁷⁴ Recently, it was reported that a police officer squeezed the breast of Mrs Ingrid Turinawe, of opposition party Forum for Democratic Change, during her arrest.⁷⁵ Suspects are more vulnerable to torture and ill treatment shortly after

68 Constitution of the Republic of Uganda, article 23(8)

69 International Covenant on Civil and Political Rights, article 9(4)

70 Constitution of the Republic of Uganda, articles 23(9) and 44(d)

71 Constitution of the Republic of Uganda, article 24

72 Constitution of the Republic of Uganda, article 44

73 Human Rights Watch, UPR submission on Uganda, March 2011, <http://lib.ohchr.org/HRBodies/UPR/Documents/session12/UG/HRW-HumanRightsWatch-eng.pdf>

74 African Centre for Treatment and Rehabilitation of Torture Victims. 2011. *Annual Report 2010*. http://www.actvuganda.org/uploads/1309243277_ACTV%202010%20Annual%20Report.pdf%20mail.pdf

75 *The Daily Monitor*. 23 April 2012. Police under fire over Ingrid arrest. <http://www.monitor.co.ug/News/National/-/688334/1391926/-/avjydsz/-/index.htm>. Also see *BBC News Africa*. 23 April 2012. Uganda Ingrid Turinawe 'sexual abuse' protesters strip. <http://www.bbc.co.uk/news/world-africa-17814860>, accessed 29 October 2012

arrest and during long detentions. They are also vulnerable to torture and ill treatment while in detention at the hands of their fellow inmates and when they are taken out to farms to work.⁷⁶

The persistence of torture has been exacerbated by the lack of an adequate law that prohibits, prevents and punishes individuals who subject others to torture and ill treatment. Fortunately, the Parliament has heeded the calls to enact such a law by the UHRC and the Coalition of Civil Society Organisations against Torture, and recently passed the Prohibition and Prevention of Torture Act, and assented to by the President in July 2012. The Act domesticates Uganda's international obligations under the UN Convention Against Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment (UNCAT). Notably, Uganda has not yet ratified the Optional Protocol to the UNCAT.

4.1.10 The right to a fair trial

Key elements of the right to a fair trial include an independent adjudication body; the presumption of innocence; adequate time and facilities to prepare one's defence including access to interpreters and lawyers; among others. These rights – as well as the right of access to legal aid⁷⁷ and representation and the right to a prompt trial – are provided under both national⁷⁸ and international law.⁷⁹

There are challenges in the enforcement of the right to a fair trial in Uganda. Although the Constitution provides for a number of safeguards, practice runs contrary to these provisions. The Ugandan judiciary is marred by corruption⁸⁰ and the accused do not usually have the facilities to prepare their defence or to have sufficient legal representation. Currently legal aid in Uganda is limited and inadequate.⁸¹ The majority of the suspects in pre-trial detention are usually illiterate and poor, which affects their ability to defend themselves even when they have language interpretation services. They often cannot afford to hire legal representatives, and are not guaranteed state legal representation except for cases that carry the death penalty or life imprisonment.⁸² Despite the provisions of the Poor Persons Defence Act, the legal aid services provided by the state do not match the needs of the citizenry and exclude the majority, especially the poor and the vulnerable.⁸³ Moreover, even in cases of a capital nature and with the potential for life imprisonment, where legal representation is required, the service remains wanting.⁸⁴

It is important to note that, in general, trials in Uganda are often delayed. The average length of pre-trial detention for capital offenders is about 15 months.⁸⁵ However, there are people who are on remand in prison who have been waiting for their trials for more than two years. Examples include the suspects in the Buganda riots, who have been in detention since September 2009 with their trials only beginning recently.⁸⁶ Conditions can be a lot worse, as reflected in the statement below from Mr Paul Gadenya Wolimbwa, the Senior Technical Advisor of the Uganda Justice, Law and Order Sector, speaking about the case backlog of the judiciary in the recent past:

many people continued to languish in the prisons, case files remained unattended to and in one of the worst case scenarios, three suspects facing capital offences were forgotten in prison after a judge adjourned their cases to the next convenient session! The next convenient session came after a decade of waiting!⁸⁷

76 Ugandan Human Rights Commission. 2011. *Annual Report 2010*. Kampala: Uganda Human Rights Commission; Human Rights Watch. 2011. *'Even Dead Bodies Must Work': Health, Hard Labor, and Abuse in Ugandan Prisons*. New York: Human Rights Watch. p.23

77 Poor Persons Defence Act, section 2

78 Constitution of the Republic of Uganda, articles 22, 26 and 28

79 International Covenant on Civil and Political Rights, articles 6 and 14

80 Transparency International, *East African Bribery Index 2011*, http://www.tikeny.org/index.php?option=com_content&view=article&id=73&Itemid=67, accessed 29 October 2012

81 Justice, Law and Order Sector. *National Legal Aid Conference Report: Emerging Issues and Recommendations*, 26-28 October 2011, <http://www.jlos.go.ug/publications.php>

82 Constitution of the Republic of Uganda, article 28(3)(e)

83 Justice, Law and Order Sector. *National Legal Aid Conference Report: Emerging Issues and Recommendations*, 26-28, October 2011 <http://www.jlos.go.ug/publications.php>

84 Justice, Law and Order Sector. *National Legal Aid Conference Report: Emerging Issues and Recommendations*, 26-28 October 2011, <http://www.jlos.go.ug/publications.php>

85 Justice Law and Order Sector Secretariat. 2011. *Annual Performance Report 2010/2011*. Kampala: Justice Law and Order Sector Secretariat. <http://www.jlos.go.ug/publications.php>

86 *New Vision*. 11 April 2012. Buganda riot suspects' trial starts today. <http://www.newvision.co.ug/news/630249-Buganda-riot-suspects--trial-starts-today.html>

87 Paul Gadenya Wolimbwa. 2011. *The Role of the JLOS Case Backlog Reduction Programme: Achievements and Lessons Learned*, <http://www.jlos.go.ug/uploads/Case%20backlog%20paper.pdf>

There have also been challenges to the guarantee to a fair hearing, especially in the case of courts martial. In the case of *Uganda Law Society & Another v. Attorney General*,⁸⁸ the Constitutional Court had to determine whether the quick trial by a field court martial and the immediate execution of soldiers was consistent with the right to a fair trial. Accused of murder, two soldiers had been arrested on 22 March 2002, detained and then appeared before a court martial on 25 March 2002. They were tried the same day, convicted and executed by firing squad. The Constitutional Court found this trial to have violated a number of elements of the right to a fair trial, including the right to an interpreter, the right to be given adequate facilities and time to prepare a defence, and the right to legal representation, among others.

4.1.11 Right to a lawyer at the expense of the state for offences that carry the death penalty or life imprisonment

Any person who is accused of an offence that carries the death penalty is entitled to legal representation at the cost of the state.⁸⁹ Although there is a practice in Uganda of handing state briefs to advocates to represent those likely to face the death penalty and life imprisonment for a minimal fee, it is insufficient. This is because the advocates are unlikely to work as diligently as they would for clients who pay them satisfactorily. It is necessary to have a comprehensive system for the provision of legal aid services. While this has budgetary implications for the state, such a system is essential in order to implement effectively not only the right to legal representation for offenders who are likely to face the death penalty, but also the right to a fair trial.

4.2 Conditions of Pre-trial Detention

Detainees are entitled to certain rights. They must be detained in adequate facilities, treated in a humane and respectful manner, and given access to outside contacts. Both international and Ugandan law provide for these rights, but practice frequently deviates from the law. Pre-trial detainees in Uganda are held in both police and prison facilities.

4.2.1 Detention in adequate facilities

In terms of adequate facilities, pre-trial detainees must be housed in officially recognised places of detention, in humane and healthy conditions. They must be given adequate shelter, which should have adequate space, lighting and ventilation, among other things.⁹⁰ They must also be provided with adequate food and water.⁹¹ In addition, they must have adequate clothing, bedding, medical services,⁹² exercise facilities and opportunities,⁹³ and adequate items and facilities for personal hygiene such as soap, water and bathrooms.⁹⁴

As noted earlier, there are reports that suspects are detained in unauthorised places of detention. Most places of detention in Uganda are inadequate. Detention facilities in police stations and prisons are mostly dilapidated, overcrowded and have inadequate space, lighting and ventilation.⁹⁵ The majority of inmates do not have access to adequate food and water.⁹⁶ They also lack clothing and bedding.⁹⁷ Moreover access to health services, facilities for personal hygiene and exercise is a challenge.⁹⁸

88 Constitutional Petitions Nos 2 & 8 of 2002 [2009] UGCC 1, 5 February 2009

89 Constitution of the Republic of Uganda, article 28(3)(e)

90 United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 10

91 Prisons Act, section 61

92 Constitution of the Republic of Uganda, article 23(5)

93 United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 21

94 United Nations Standard Minimum Rules for the Treatment of Prisoners, Rules 15 and 16

95 Uganda Human Rights Commission, Annual Reports, available at www.uhrc.ug. Also see Human Rights Watch. 2011. *'Even Dead Bodies Must Work': Health, Hard Labor, and Abuse in Ugandan Prisons*. New York: Human Rights Watch

96 Human Rights Watch. 2011. *'Even Dead Bodies Must Work': Health, Hard Labor, and Abuse in Ugandan Prisons*. New York: Human Rights Watch. p.16

97 Uganda Human Rights Commission. 2011. *Annual Report 2010*. Kampala: Uganda Human Rights Commission. p.37; Human Rights Watch. 2011. *'Even Dead Bodies Must Work': Health, Hard Labor, and Abuse in Ugandan Prisons*. New York: Human Rights Watch. p.15

98 Human Rights Watch. 2011. *'Even Dead Bodies Must Work': Health, Hard Labor, and Abuse in Ugandan Prisons*. New York: Human Rights Watch. p.19

4.2.2 Treatment in a humane and respectful manner

Being treated in a humane and respectful manner involves the presumption of innocence;⁹⁹ respect of the inherent dignity of the person;¹⁰⁰ the absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment,¹⁰¹ which includes the prohibition of violence or threats and protection from torture and violence by other detainees; respect for religious and moral beliefs;¹⁰² the prohibition of taking advantage of a detainee's situation to force confession or self-incrimination;¹⁰³ and having measures for discipline and order which are derived from the law and regulations and which should only be limited to those necessary for custody.¹⁰⁴ Accused persons on trial should be segregated from convicted persons and given separate treatment appropriate to their status.¹⁰⁵

The law also provides for special measures to cater for the most vulnerable among the suspects such as women, children and the disabled. Arrested or detained females should not suffer discrimination¹⁰⁶ and should be protected from violence, including sexual harassment.¹⁰⁷ In order to enhance protection, female officers should supervise and search female detainees. Female officers also need to be present during all contact with female detainees. Furthermore, female detainees must be housed separately from male detainees. Children should only be detained as a matter of last resort and for the shortest appropriate period of time.¹⁰⁸ Where children are detained, they must be separated from adults.¹⁰⁹ The disabled detainees also should not suffer discrimination and should be protected from violence.¹¹⁰ They should be assisted to enjoy the same rights as the other suspects or inmates.¹¹¹

The practice is that inmates are treated in a manner that negates the presumption of innocence and respect of the inherent dignity of the person. In Ugandan prisons, most suspects are detained together with convicted prisoners.¹¹² Both sets of inmates are subject to the same deplorable conditions of overcrowding and lack of adequate space. Moreover, the pre-trial detainees, like convicted prisoners, are also overworked in the prison farms.¹¹³ Although torture and ill treatment are prohibited, they are rampant in the Ugandan places of detention as mentioned earlier. Some suspects have been killed as a result of being subjected to torture, cruel, inhuman and degrading treatment.¹¹⁴ Moreover, the detainees are not protected from violence or threats of violence and torture from other detainees. Detainees are often subjected to torture and ill treatment by their fellow inmates, especially the 'katikiros' or prefects.¹¹⁵

There are no special measures to cater for the most vulnerable among the detainees. There are cases of pregnant women¹¹⁶ and women who are incarcerated with children who do not get the required care.¹¹⁷ Although the law requires that children should only be detained as a matter of last resort, children are often incarcerated instead of being diverted away from the criminal justice system.¹¹⁸ Moreover, children are sometimes detained with adults.¹¹⁹ A review of the Remand Homes and the National Rehabilitation Centre found that the number of girls in conflict with the law was

99 Constitution of the Republic of Uganda, article 28(3)(a)

100 Prisons Act, section 57(a)

101 Constitution of the Republic of Uganda, articles 24 and 44(a); Universal Declaration of Human Rights, article 5, International Covenant on Civil and Political Rights, article 7; United Nations Convention against Torture, article 1 and Constitution of the Republic of Uganda, article 24

102 United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 6(b)

103 International Covenant on Civil and Political Rights, article 14(g) and United Nations Principles And Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, section 7(d)

104 United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 27

105 International Covenant on Civil and Political Rights, article 10 and the United Nations Standard Minimum Rules for Treatment of Prisoners, Rules 8(b)

106 Universal Declaration on Human Rights, article 2; International Covenant on Civil and Political Rights, article 3; Convention for the Elimination of all forms of Discrimination against Women, articles 1 and 2; the United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 6; Human Rights Committee, General Comment 21 concerning humane treatment of persons deprived of liberty, para. 4. HRI/GEN/1/Rev.7 at 153 (2004)

107 Declaration on the Elimination of Violence against Women, article 1 and 4(c)

108 United Nations Convention on the Rights of the Child, article 37(b)

109 United Nations Convention on the Rights of the Child, article 37(c)

110 Universal Declaration on Human Rights, articles 1 and 5; International Covenant on Civil and Political Rights, articles 7 and 10; Convention on the Rights of Persons with Disabilities, articles 5, 14, 15 and 16; and Human Rights Committee, General Comment No. 9

111 Convention on the Rights of Persons with Disabilities, article 5 and International Covenant on Civil and Political Rights, article 26

112 Human Rights Watch. 2011. *Even Dead Bodies Must Work: Health, Hard Labor, and Abuse in Ugandan Prisons*. New York: Human Rights Watch. p.14

113 Human Rights Watch. 2011. *Even Dead Bodies Must Work: Health, Hard Labor, and Abuse in Ugandan Prisons*. New York: Human Rights Watch. p.21

114 Human Rights Watch. 2009. *Open Secret: Illegal Detention and Torture by the Joint Anti-Terrorism Task Force in Uganda*. New York; Human Rights Watch. <http://www.hrw.org/reports/2009/04/07/open-secret-0>

115 Uganda Human Rights Commission. 2010. *Annual Report 2010*. Kampala: Uganda Human Rights Commission. p.40

116 Human Rights Watch. 2011. *Even Dead Bodies Must Work: Health, Hard Labor, and Abuse in Ugandan Prisons*. New York: Human Rights Watch. p.18

117 Forum for Women in Democracy. 2010. *Equal by Right, The Uganda Women's Agenda 2010-2016*, p.28

118 Uganda Human Rights Commission. 2011. *Annual Report 2010*. Kampala: Uganda Human Rights Commission. pp.40-41

119 Uganda Human Rights Commission. 2010. *Annual Report 2009*. Kampala: Uganda Human Rights Commission. p.52

very small compared to boys at a ratio of 1 or 2 girls to 20 or 30 boys.¹²⁰ It was noted that the girls were not only likely to miss other female company, but were also potentially vulnerable to sexual exploitation given that defilement is such a prevalent offence.¹²¹ Furthermore, there are no sufficient measures to ensure that inmates with disabilities are able to enjoy the same rights as the other detainees, for example, inmates with physical disabilities often have difficulties in using bathroom facilities.¹²²

The treatment of persons with mental disabilities is also problematic. The law requires that, when they appear in the course of the trial after an inquiry that a person is incapable of making their defence, the court should order for the detention of such person and the file should be sent to the Minister of Justice for certification.¹²³ The law also allows for the detention of a person even when such person has been acquitted of an offence, yet the period of detention is not defined. Unfortunately, such persons have been detained for long periods in prisons awaiting such certification.¹²⁴ Given the deplorable conditions in prisons, their detention only worsens their situation and constitutes inhumane treatment.

4.2.3 Access to the outside world

Access to the outside world entails having access to legal representatives, judges, family members, medical personnel and visitors. Visitors could include national and international visitors to places of detention such as the national human rights institutions, Inspectorates of Prisons, civil society organisations, religious authorities, the International Committee of the Red Cross, among others.

Generally, in practice, pre-trial detainees are given access to the outside world, especially access to visitors. However, there are problems in terms of access to court. This is especially brought on by resource constraints such as the vehicles or fuel needed to transport detainees to court.¹²⁵ Moreover, detainees also face challenges accessing health services.¹²⁶ Some detainees are denied access to their families, especially in military detention facilities.¹²⁷

5 Oversight and Accountability Systems

National and international law establishes monitoring mechanisms for places of detention. There are both internal and external oversight and accountability mechanisms. The external oversight and accountability mechanisms are available at both national and international levels.

5.1 Internal Oversight and Accountability Mechanisms

The following internal oversight and accountability mechanisms are provided in the Uganda Police Force and the Uganda Prison Service.

5.1.1 Uganda Police Force

The Uganda Police Force has disciplinary courts which hear complaints against officers. The disciplinary court is instituted by the Inspector General of Police and has the power to decide whether perpetrators are to be discharged, dismissed, cautioned, fined or demoted in rank.

120 Marianne Moore. 2010. *Juvenile Detention in Uganda. Review of Ugandan Remand Homes and the National Rehabilitation Centre*. Kampala: African Prisons Project. p.13. <http://www.africanprisons.org/documents/Juvenile-Detention-in-Uganda-October-2010.pdf>

121 Marianne Moore. 2010. *Juvenile Detention in Uganda. Review of Ugandan Remand Homes and the National Rehabilitation Centre*. Kampala: African Prisons Project. p.13. <http://www.africanprisons.org/documents/Juvenile-Detention-in-Uganda-October-2010.pdf>

122 Uganda Human Rights Commission. 2012. *Annual Report 2011*. Kampala: Uganda Human Rights Commission. p.32

123 Magistrates Courts Act, section 113 and Trial on Indictments Act, section 45

124 Uganda Human Rights Commission. 2012. *Annual Report 2011*. Kampala: Uganda Human Rights Commission. p.26

125 Asan Kasingye. Undated. *The Role of the Police in Diversion: An assessment of success and failures*, <http://www.createolutions.org/unicef/Documents/resources/country/africa/ugandapoliceroleindiversion.pdf>

126 Human Rights Watch. 2011. *Even Dead Bodies Must Work: Health, Hard Labor, and Abuse in Ugandan Prisons*. New York: Human Rights Watch

127 Uganda Human Rights Commission. 2010. *Annual Report 2009*. Kampala: Uganda Human Rights Commission. pp.47-48

The Disciplinary Committee confirms sentences before they are executed. Furthermore, there is provision for a public complaints system, where individuals can make a written complaint relating to police misconduct to the District Police Commander or the Inspector General of Police.¹²⁸

The police also have a Professional Standards Unit (PSU), which replaced the Human Rights and Complaints Desk. The PSU is responsible for investigating complaints against the police. Complaints relate to unprofessional conduct as well as violations of human rights. Since 2007, the PSU has received over 8 000 complaints, with 232 received in 2011. Most of these relate to torture, arbitrary detention and the violation of the right to life.¹²⁹ The PSU is based in Kampala and also has regional offices in Mbale, Masaka, Hoima, Gulu, Arua, Jinja and Mbarara. The intention is to establish two further offices in Kabale and Fort Portal in the near future. The Unit is composed of about 94 staff, and appointments are made on the basis of criteria such as a good professional record. The PSU headquarters is in Bukoto, Kampala, in a residential environment, which may facilitate access by the public. However, in the regions, offices are based at police stations and posts. Although the PSU has powers of access to pre-trial detainees, it is not immune to the resource problems faced by police.

The internal oversight and accountability mechanisms of the police remain weak, as the police continue to remain at the top on the list of complaints made by the public to the UHRC about human rights violations.¹³⁰

5.1.2 Uganda Prison Service

The Uganda Prison Service has established Human Rights Committees to ensure compliance with human rights obligations. Although the Committees are a recent development, they have been acclaimed as playing an important role in the protection of the rights of inmates as they address human rights complaints in prisons. The Human Rights Committees undertake human rights education, peer reviews and compliance monitoring of human rights standards in prisons.¹³¹ Nonetheless, the UHRC noted in its Annual Report for 2011 that in spite of the presence of the Committees, the conditions in places of detention are still deplorable.¹³²

5.2 External Oversight and Accountability Mechanisms

Both national and international mechanisms serve external oversight and accountability functions.

5.2.1 National mechanisms

At the national level, mechanisms include the Inspectorate of Government, the UHRC, the judiciary, Parliament and civil society organisations.

a Inspectorate of Government

The Inspectorate of Government (IG), which is the Ombudsman of Uganda, engages in investigations of corruption and abuse of office and can provide some form of oversight for those in detention.¹³³ The IG is guaranteed independence under the Constitution and investigates various cases of corruption and abuse of office. However, it does not appear to have dealt with many, if any, cases involving accountability in places of detention or cases of torture or other ill treatment. Nevertheless, the Inspectorate has noted that corruption is rampant among the police.¹³⁴

128 Police Act, article 70(1)

129 Uganda Human Rights Commission. 2012. *Annual Report 2011*. Kampala: Uganda Human Rights Commission. p. 18

130 Uganda Human Rights Commission. 2012. *Annual Report 2011*. Kampala: Uganda Human Rights Commission; Uganda Human Rights Commission. 2011. *Annual Report 2010*. Kampala: Uganda Human Rights Commission

131 Uganda Human Rights Commission. 2012. *Annual Report 2011*. Kampala: Uganda Human Rights Commission. p. 22

132 Uganda Human Rights Commission. 2012. *Annual Report 2011*. Kampala: Uganda Human Rights Commission. pp. 15-34

133 Constitution of the Republic of Uganda, article 225

134 Inspectorate of Government. 2011. *Second Annual Report on Corruption Trends in Uganda 2011*. <http://www.igg.go.ug/static/files/publications/ig-report-corruption.pdf>. Also see *The Observer*. 21 November 2011. IGG Report Pins Police, Judiciary on Corruption. http://www.observer.ug/index.php?option=com_content&task=view&id=15971&Itemid=59, accessed 29 October 2012

b Uganda Human Rights Commission

The Uganda Human Rights Commission (UHRC) is the main external body with a mandate to investigate complaints of human rights violations including those relating to pre-trial detention. The UHRC was established under the Constitution as an independent body with a mandate to promote and protect human rights, including investigating complaints of torture and other ill treatment.¹³⁵ The Commission is currently composed of five members, including the Chairperson, who are appointed by the President with the approval of Parliament. Staff are appointed by the members of the Commission in consultation with the Ministry of Public Service. Currently the Commission has about 208 staff members in nine regional offices and at the Kampala headquarters.¹³⁶ The UHRC has a broad investigative mandate and does not require a complaint to be submitted, and may institute investigations itself.¹³⁷ The UHRC also has broad powers with a quasi-judicial function.¹³⁸ If satisfied that there has been an infringement of a right, the UHRC may order the release of a detained or restricted person, the payment of compensation, or any other legal remedy or redress. A person or authority dissatisfied with an order made by the Commission has the right to appeal to the High Court.

The process of the investigation of complaints can take between one to four years to complete, depending on the particular circumstances of the case.¹³⁹ There have been cases that have been delayed for even longer than four years because there are currently only four members who are hearing cases.¹⁴⁰ The Uganda Human Rights Commission is fairly accessible as the services offered are free and there are regional offices in Kampala, Masaka, Fort Portal, Mbarara, Jinja, Soroti, Moroto, Gulu and Arua. Since its inception, the UHRC has handled thousands of complaints and some victims have been awarded compensation.

The UHRC is not allowed to investigate any matter which is pending before a court or judicial tribunal; a matter involving the relations or dealings between the government and the government of any foreign state or international organisation; or a matter relating to the exercise of the prerogative of mercy.¹⁴¹ The UHRC faces a number of challenges including the lack of compliance with its orders, such as the payment of the UHRC tribunal awards, especially by the Attorney General; limited capacity and resources; and the lack of a victim and witness protection law, which deters some victims from continuing with cases.¹⁴²

Despite these challenges, the UHRC has been accredited with 'A' status by the International Coordinating Committee of National Human Rights Institutions, which monitors national institutions' compliance with the Paris Principles.¹⁴³ This means that, on the whole, it is perceived as effective. The African Commission on Human and Peoples' Rights also recognised the UHRC as the best National Human Rights Institution in 2012.

c The judiciary

The judiciary has the power to play an important role as an oversight and accountability mechanism for pre-trial detainees. Courts have an oversight role while hearing both criminal and civil cases. Pre-trial detainees have an opportunity to complain about long detention periods, torture and ill treatment or any other human rights violation to courts. Indeed a few detainees have used the courts as a channel of redress for these sorts of violations. An example of this is the case of *CPL Opio Mark v. Attorney General*,¹⁴⁴ where the plaintiff sought redress for detention in a police cell for 11 days without appearing in court. The plaintiff was awarded damages of up to UGX 6 000 000 (approx. USD 2 400). In another case, *Martin Edeku v. Attorney General*, the plaintiff was awarded damages for a violent arrest, detention beyond 48 hours and torture while in detention.¹⁴⁵

135 Constitution of the Republic of Uganda, article 51(1)

136 Uganda Human Rights Commission. 2012. *Annual Report 2011*. Kampala: Uganda Human Rights Commission. p.50

137 Constitution of the Republic of Uganda, article 52(1)(a)

138 Constitution of the Republic of Uganda, article 53

139 Uganda Human Rights Commission, Complaints Handling Manual

140 Uganda Human Rights Commission. 2012. *Annual Report 2011*. Kampala: Uganda Human Rights Commission. p.13 and p.149

141 Constitution of the Republic of Uganda, article 53(4)

142 Uganda Human Rights Commission. 2011. *Annual Report 2010*. Kampala: Uganda Human Rights Commission. p.27

143 Principles relating to the Status of National Institutions (The Paris Principles), <http://www2.ohchr.org/english/law/parisprinciples.htm>, accessed 29 October 2012

144 Civil Suit No. 611 of 2006, High Court of Uganda

145 HCCS 93A/89, High Court of Uganda

The courts, however, face problems such as case backlogs, corruption and inadequate resources, among others.¹⁴⁶ As a result, only a few cases make it to court and are heard to completion within a reasonable period of time.

d Parliament

Parliament also has an oversight role to play with respect to places of detention. Members of Parliament have many routine opportunities for oversight during question time and annual reviews of performance, especially at budget allocation time. Parliamentarians have raised concerns relating to conditions of detention especially torture and other ill treatment, and a few Members of Parliament have also condemned the excessive use of force by security agencies.¹⁴⁷

e Visiting justices

The Prison Act makes provision for what is described as 'visiting justices'. These are persons who are allowed to visit and inspect prisons on a regular basis and are appointed by the Minister. Nonetheless, the Act recognises some people as *ex-officio* visiting justices. These include the Chairperson and members of the UHRC; a judge of the High Court, Court of Appeal and Supreme Court; the minister responsible for internal affairs; the minister responsible for justice; all cabinet ministers; a Chief Magistrate and resident magistrates in any area in which the prison is situated; the Chief Administrative Officer of the District in which a prison is situated; the Permanent Secretary in the ministry responsible for internal affairs; and the Inspector General of Government.¹⁴⁸ The functions of the visiting justices are detailed in the Act and include: inspect every part of the prison and visit every prisoner in the prison where practicable, especially those in confinement; inspect and test the quality and quantity of food ordinarily served to prisoners; inquire into any complaints or requests made by a prisoner; ascertain as far as possible whether the rules, administrative instructions, standing orders issued to the prisoner and the prisoner's rights are brought to their attention and are observed; inspect any book, document or record relating to the management, discipline and treatment of prisoners; and perform such other functions as may be prescribed.¹⁴⁹ Other persons allowed to inspect prisons include cabinet ministers and judges.¹⁵⁰ This is in addition to the African Commission's Special Rapporteur on Prison Conditions.¹⁵¹

f Civil society organisations

Some civil society organisations (CSOs) visit places of detention, but at times their access may be limited, or they may be expected to give advance notice of their intention to visit. The Prisons Act provides that they require the permission of the Commissioner General of Prisons to inspect places of detention.¹⁵² Information regarding the frequency and methodology of the CSOs' visits to places of detention is limited. Some of the CSOs that undertake visits include the African Centre for Treatment and Rehabilitation of Torture Victims,¹⁵³ the Uganda Prisoners' Aid Foundation, the Foundation for Human Rights Initiative,¹⁵⁴ Avocat Sans Frontières and the Human Rights Network Uganda.

5.2.2 Regional mechanisms

At the regional level, oversight and accountability mechanisms in relation to pre-trial detention (amongst other issues) include the African Commission on Human and Peoples' Rights, the Special Rapporteur on Prisons and Conditions of Detention in Africa, the African Court on Human and Peoples' Rights, the Committee of Experts on the Rights and Welfare of the Child, and the East African Court of Justice, among others.

146 Justice Law and Order Sector Secretariat. 2011. *Annual Performance Report 2010/2011*. Kampala: Justice Law and Order Sector Secretariat. <http://www.jlos.go.ug/publications.php>

147 *Weinformers*. 9 May 2011. Workers MP warns security agents against violence on people working. <http://www.weinformers.net/2011/05/19/workers-mp-warns-security-agents-against-violence-on-people-working/>

148 Prisons Act, section 109

149 Prisons Act, section 110

150 Prisons Act, section 111

151 Prisons Act, section 112(1)

152 Prisons Act, section 112(2)

153 African Centre for Treatment and Rehabilitation of Torture Victims. 2010. *Annual Report 2010*, http://www.actvuganda.org/uploads/1309243277_ACTV%202010%20Annual%20Report.pdf%20mail.pdf

154 Foundation for Human Rights Initiative. *The Human Rights Status Reports*, <http://www.beta.afronet.biz/~fhri/Uganda%20%202007%20Human%20Rights%20Status%20Report%20.pdf>

a African Commission on Human and Peoples' Rights

Under the African Charter, the African Commission on Human and Peoples' Rights (ACHPR) has the mandate to promote and protect human rights.¹⁵⁵ Uganda is party to the African Charter and is therefore subject to the African Commission. The ACHPR, which has been greatly supported by NGOs, fulfils its mandate through a complaints mechanism, consideration of State Reports, Special Rapporteurs, site visits and resolutions which contribute to oversight and accountability.

The ACHPR has received two communications relating to illegal arrest, arbitrary detention and torture relating to Uganda. The case of *Nziwa Buyingo v. Uganda*¹⁵⁶ involved a complaint of alleged illegal arrest, arbitrary detention, torture and extraction of money from the complainant by Ugandan soldiers in Kisoro contrary to articles 5, 6, 12 and 14 of the African Charter. The ACHPR dismissed the complaint as inadmissible as the complainant failed to demonstrate that local remedies had been exhausted. The other case was an inter-state communication, namely the *Democratic Republic of the Congo (DRC) v. Burundi, Rwanda and Uganda*.¹⁵⁷ In this communication, the DRC alleged numerous violations of the African Charter and other international obligations by the respondent states. In its decision, the ACHPR found that the respondent states had violated articles of the African Charter, including article 5.

During the consideration of the State Reports from Uganda, the ACHPR has made specific recommendations in respect of pre-trial detention. It expressed concern that ordinary Ugandans cannot afford legal services to litigate against the government and obtain compensation for human rights abuses.¹⁵⁸ It has also expressed concern about the fact that only 19% of prisoners have access to clean water and only 62% are provided with meals on a daily basis.¹⁵⁹

The ACHPR has also expressed concern about, among other things, the lack of legislative measures to criminalise torture and violence against children,¹⁶⁰ the trial of civilians by military courts,¹⁶¹ the lack of adequate legal aid,¹⁶² and the retention of the death penalty.¹⁶³

b Special Rapporteur on Prisons and Conditions of Detention in Africa

The African Commission on Human and Peoples' Rights established the position of Special Rapporteur on Prisons and Conditions of Detention in Africa. The Special Rapporteur has powers to examine the situation of persons deprived of their liberty within the territories of States Parties to the African Charter on Human and Peoples' Rights. The Special Rapporteur's work entails: examining the state of prisons and conditions of detention and making recommendations to improve them; advocating for adherence to the African Charter and international human rights norms; and, if requested by the African Commission, making recommendations regarding communications by individuals who have been deprived of their liberty. The visits of the Special Rapporteur are only carried out after the agreement of the state concerned. Reports are published after the integration of comments from the state's participating authorities. Although, the Special Rapporteur has the potential to contribute to the oversight and accountability mechanisms, this opportunity has not yet been used in Uganda.

c The African Court on Human and Peoples' Rights

The African Court on Human and Peoples' Rights complements the protective mandate of the ACHPR. The added value of the Court is that it has powers to take final and binding decisions on human rights violations. Uganda is among the 26 countries that have thus far ratified the Protocol establishing the Court, and is thus subject to its jurisdiction. The role of the African Court is however limited as Uganda has not made a declaration to allow it to receive direct complaints of human

155 The African Charter on Human and Peoples Rights, article 45(1) and(82)

156 *Nziwa Buyingo v. Uganda*, http://www.achpr.org/english/Decision_Communication/Uganda/Comm.8-88.pdf

157 *D.R. Congo v. Burundi, Rwanda and Uganda*, African Commission on Human and Peoples' Rights, Communication No. 227/99 (2003). <http://www1.umn.edu/humanrts/africa/comcases/227-99.html>

158 Concluding Observations of the African Commission on Human and Peoples' Rights, 3rd Periodic Report of the Republic of Uganda, para. 16

159 Concluding Observations of the African Commission on Human and Peoples' Rights, 3rd Periodic Report of the Republic of Uganda, para. 32

160 Concluding Observations of the African Commission on Human and Peoples' Rights, 3rd Periodic Report of the Republic of Uganda, para. 34

161 Concluding Observations of the African Commission on Human and Peoples' Rights, 3rd Periodic Report of the Republic of Uganda, para. 37

162 Concluding Observations of the African Commission on Human and Peoples' Rights, 3rd Periodic Report of the Republic of Uganda, para. 38

163 Concluding Observations of the African Commission on Human and Peoples' Rights, 3rd Periodic Report of the Republic of Uganda, para. 38

rights violations from civil society organisations and individuals.¹⁶⁴ Although, the African Court has yet to handle any matter relating to Uganda, it has the potential to contribute to the process of oversight and accountability.

d The African Committee of Experts on the Rights and Welfare of the Child

When Uganda presented its initial report, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) made several comments. The ACERWC commended Uganda for efforts made with regard to the establishment of family and juvenile courts, a National Rehabilitation Centre and the possibilities for amicably resolving cases relating to children in conflict with the law.¹⁶⁵ However, the Committee was concerned that several districts do not always have provisional detention centres for children and that the number of functional re-education centres is limited.¹⁶⁶ The Committee was also concerned that children are held with adults in police detention centres.¹⁶⁷ The Committee also observed that the report did not provide information pertaining to the treatment of mothers incarcerated with their children, pregnant women and young children.¹⁶⁸

5.2.3 International mechanisms

At the international level, oversight and accountability mechanisms in relation to pre-trial detention include the United National Human Rights Committee (HRC), which monitors the implementation of the International Covenant on Civil and Political Rights, the United Nations Committee Against Torture and the Committee on the Rights of the Child. Furthermore, there are special procedures such as the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. There are also various international organisations that are involved in visiting places of detention such as the International Committee of the Red Cross (ICRC).

a United Nations Human Rights Committee

The Human Rights Committee (HRC), which is the monitoring mechanism for the implementation of the International Covenant on Civil and Political Rights (ICCPR), is one of the mechanisms for oversight and accountability. During its consideration of Uganda's initial report, the HRC noted various important human rights concerns that demonstrate Uganda's lack of compliance with the ICCPR. The Committee noted the frequent lack of implementation by the government of UHRC recommendations and decisions concerning awards of compensation to victims of human rights violations and the prosecution of human rights offenders.¹⁶⁹ It further noted that state agents continue to arbitrarily deprive persons of their liberty, including in unacknowledged places of detention.¹⁷⁰ It also noted the deplorable prison conditions such as overcrowding, scarcity of food, poor sanitary conditions and inadequate material, human and financial resources. The Committee was concerned about the treatment of prisoners, especially the use of corporal punishment, solitary confinement and food deprivation as disciplinary measures, and the fact that juveniles and women are often not kept separate from adults and males.¹⁷¹ The Committee also noted the practice of imprisoning persons for financial debt, which is incompatible with article 11 of the Covenant.¹⁷² The Committee noted with concern shortcomings in the administration of justice, such as delays in proceedings and in relation to pre-trial detention, the lack of legal assistance provided to non-

164 Protocol in the Statute of the African Court of Justice and Human Rights, article 5(3) and article 34(6)

165 Recommendations and Observations of the African Committee of Experts on the Rights and Welfare of the Child on the Initial Implementation Report of the Republic of Uganda on the African Charter of the Rights and Welfare of the Child. http://www.crin.org/docs/Uganda_COs.doc

166 Recommendations and Observations of the African Committee of Experts on the Rights and Welfare of the Child on the Initial Implementation Report of the Republic of Uganda on the African Charter of the Rights and Welfare of the Child. http://www.crin.org/docs/Uganda_COs.doc

167 Recommendations and Observations of the African Committee of Experts on the Rights and Welfare of the Child on the Initial Implementation Report of the Republic of Uganda on the African Charter of the Rights and Welfare of the Child. http://www.crin.org/docs/Uganda_COs.doc

168 Recommendations and Observations of the African Committee of Experts on the Rights and Welfare of the Child on the Initial Implementation Report of the Republic of Uganda on the African Charter of the Rights and Welfare of the Child. http://www.crin.org/docs/Uganda_COs.doc

169 Human Rights Committee. 2004. Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding observations of the Human Rights Committee, Uganda CCPR/CO/80/UGA at para. 7

170 Human Rights Committee. 2004. Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding observations of the Human Rights Committee, Uganda CCPR/CO/80/UGA at para. 17

171 Human Rights Committee. 2004. Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding observations of the Human Rights Committee, Uganda CCPR/CO/80/UGA at para. 18

172 Human Rights Committee. 2004 Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding observations of the Human Rights Committee, Uganda CCPR/CO/80/UGA at para. 19

capital suspects and the conditions under which a confession may be secured.¹⁷³ Notably, all these challenges remain.

b Universal Periodic Review

Uganda was considered under the Universal Periodic Review (UPR) in October 2011, and states and other stakeholders raised a number of issues related to pre-trial detention.¹⁷⁴ In particular concerns were expressed regarding torture by security agents;¹⁷⁵ reports of the use of 'safe houses' or unofficial places of detention;¹⁷⁶ the regular use of torture as a method of interrogation by the police;¹⁷⁷ the arbitrary arrest and torture of journalists;¹⁷⁸ and a penitentiary system plagued by the poor treatment of detainees, overcrowding, inadequate feeding, poor medical care and sanitary conditions, forced labour, and inadequate rehabilitation programmes.¹⁷⁹

c Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other mechanisms

The Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the Working Group on Forced or Involuntary Disappearances and the Working Group on Arbitrary Detention were established by Resolutions of the United Nations Human Rights Commission. Their visits are occasional and based on prior agreement by the state concerned in order to assess the country situation. Their recommendations are issued on the basis of information communicated to the Rapporteur and verified, or following visits carried out in the country being assessed. The recommendations are not binding, but provide guidance on how the situation can be improved. Public reports are presented at the session of the UN Human Rights Commission.

Uganda has not had visits from these Special Rapporteurs and Working Groups. Nevertheless, they have the potential to contribute to the process of oversight and accountability.

d United Nations Committee Against Torture

Article 20 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) gives the mandate to the Committee Against Torture to visit places of detention. However, the Committee can only visit States Parties to the Convention, who must authorise the visit. Visits are made only in the cases of 'systematic torture' and the proceedings are confidential. No visits by the Committee Against Torture have been made to Uganda. Nevertheless, during the presentation of State Reports, the Committee has noted various human rights concerns which are still relevant.

The Committee was concerned about the lack of incorporation of the Convention into Uganda's legislation, such as the lack of a comprehensive definition of torture in domestic law, the lack of an absolute prohibition of torture, and the absence of universal jurisdiction for acts of torture in Ugandan law.¹⁸⁰ The Committee expressed concern over the widespread practice of torture and ill treatment of persons detained by the military as well as by other law enforcement officials.¹⁸¹ Furthermore, it was concerned about the length of pre-trial detention, including detention beyond 48 hours as stipulated by the Constitution and the possibility of detaining treason and terrorism suspects for 360 days without bail.¹⁸²

173 Human Rights Committee. 2004. Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding observations of the Human Rights Committee., Uganda CCRP/CO/80/UGA at para. 21

174 Summary of Stakeholders Information prepared for the UPR UN Doc A/HRC/WG.6/12/UGA, 20 July 2011, <http://daccessddsny.un.org/doc/UNDOC/GEN/G11/152/32/PDF/G1115232.pdf?OpenElement>

175 Report of the Working Group on the Universal Periodic Review – Uganda A/HRC/19/16, §46

176 Report of the Working Group on the Universal Periodic Review – Uganda A/HRC/19/16, §92 and Draft Report of the Working Group on the Universal Periodic Review – Uganda A/HRC/WG.6/UGA/3, §30

177 Draft Report of the Working Group on the Universal Periodic Review – Uganda A/HRC/WG.6/UGA/3, §25

178 Draft Report of the Working Group on the Universal Periodic Review – Uganda A/HRC/WG.6/UGA/3, §29

179 Draft Report of the Working Group on the Universal Periodic Review – Uganda A/HRC/WG.6/UGA/3, §31

180 Conclusions and recommendations of the Committee Against Torture, Uganda, 21 June 2005 CAT/C/CR/34/UGA at para. 5

181 Conclusions and recommendations of the Committee Against Torture, Uganda, 21 June 2005 CAT/C/CR/34/UGA at para. 6(c)

182 Conclusions and recommendations of the Committee Against Torture, Uganda, 21 June 2005 CAT/C/CR/34/UGA at para. 6(a)

The Committee also expressed concern about the reported limited accessibility and effectiveness of *habeas corpus*¹⁸³ and the continued allegations of widespread torture and ill treatment by the state's security forces and agencies.¹⁸⁴ The Committee was also concerned about the wide array of security forces and agencies in Uganda with the power to arrest, detain and investigate.¹⁸⁵ The Committee noted the disproportion between the high number of reports of torture and ill treatment and the very small number of convictions for such offences, as well as the unjustifiable delays in the investigation of cases of torture, both of which contribute to the impunity prevailing in this area.¹⁸⁶ It further noted the alleged reprisals, intimidation and threats against persons reporting acts of torture and ill treatment.¹⁸⁷ The Committee also expressed concern about the frequent lack of implementation of the UHRC's decisions concerning both awards of compensation to victims of torture and the prosecution of human rights offenders.¹⁸⁸

e International Committee of the Red Cross

Visits from the International Committee of the Red Cross (ICRC) are based on the 1949 Geneva Conventions¹⁸⁹ for situations of conflict, and take place on the basis of an agreement with the state in other situations. Monitoring of conditions of detention is targeted at persons arrested and detained in relation to a situation of conflict or internal strife. In certain situations, monitoring extends to other categories of persons deprived of their liberty. In the situation of an international conflict, the States Parties to the conflict are obliged to authorise visits to military internees and civilian nationals of the foreign power involved in the conflict. In other situations, visits are subject to prior agreement by the authorities. The ICRC visits are often permanent and regular during times of conflict or strife (or its direct consequences). The ICRC often provides relief or rehabilitation activities with the agreement of the authorities and helps to restore family links. Their procedures and reports are confidential. The ICRC has been working in Uganda for the last 33 years, monitoring the treatment of detainees in both civilian and military places of detention and working with the authorities to improve conditions of detention.

6 Conclusion

Despite a legal framework that is, on the whole, compliant with international human rights standards, implementation of the procedural safeguards for arrest and detention is weak in Uganda. Most pre-trial detainees are victims of arbitrary arrests and do not enjoy the rights that accrue to them during their arrest and detention. Sometimes this is based on inadequate police training and capacity for criminal investigations, discrimination, political interference and corruption, among others. Detainees who are poor and cannot afford legal services often remain in custody for a longer time.

Prolonged pre-trial detention has adverse effects on the rights of detainees to a fair and speedy trial. Detainees are often held in overcrowded facilities, which may have an impact on their health and which increases their risk of being subjected to torture and other cruel, inhuman and degrading treatment or punishment. Most detention facilities in Uganda are not suitable for housing detainees, and there are frequent challenges providing food, water and other basic necessities such as hygiene, sanitation and bedding. Moreover, many of these facilities are dilapidated, overcrowded and have inadequate space, lighting and ventilation. Most inmates do not have access to adequate food and water especially in police cells. Inmates often lack clothing and bedding, access to health services, facilities for personal hygiene and access to opportunities for exercise.

There are oversight and accountability mechanisms at the national and international level. National mechanisms include both the internal and external mechanisms, but these are weak and need to be strengthened if they are to contribute to improved accountability. The mechanisms at the regional

183 Conclusions and recommendations of the Committee Against Torture, Uganda, 21 June 2005 CAT/C/CR/34/UGA at para. 6(b)

184 Conclusions and recommendations of the Committee Against Torture, Uganda, 21 June 2005 CAT/C/CR/34/UGA at para. 6(c)

185 Conclusions and recommendations of the Committee Against Torture, Uganda, 21 June 2005 CAT/C/CR/34/UGA at para. 6(d)

186 Conclusions and recommendations of the Committee Against Torture, Uganda, 21 June 2005 CAT/C/CR/34/UGA at para. 6(e)

187 Conclusions and recommendations of the Committee Against Torture, Uganda, 21 June 2005 CAT/C/CR/34/UGA at para. 6(g)

188 Conclusions and recommendations of the Committee Against Torture, Uganda, 21 June 2005 CAT/C/CR/34/UGA at para. 8

189 Uganda ratified the Geneva Conventions on 18 May 1964

and international level also provide such opportunities, but cannot work in isolation, and need to be understood as complementing national measures. Therefore, for the regional and international mechanisms to work, it is important for them to work in cooperation with the State, and other national mechanisms.

7 Recommendations

7.1 Strengthening Internal and External National Oversight and Accountability Mechanisms

The internal and external national oversight and accountability mechanisms on pre-trial detention should be strengthened by building their capacity to enable them to efficiently perform their mandates. It is important to devote resources to promote the increased capacity of mechanisms, and to allow for an increased capacity to investigate complaints, as well as to apply to other functions such as prevention and public education. Furthermore, efforts should be made to follow up and implement their recommendations. This would lead to an improvement in the situation of pre-trial detainees.

Civil society remains a central stakeholder in the issue of pre-trial detention given the vast potential for the violation of the rights of citizens, and the range of negative consequences that may result from these violations. It is important to encourage the engagement of organised civil society in national and regional efforts to raise the profile of pre-trial detainees, and to campaign for improved law and practice. Civil society organisations are also in a strong position to petition with the national government to address the root causes of the inappropriate use of pre-trial detention, as well as the violation of rights during detention.

7.2 Review of the Law and Practice to Address the Causes of Pre-trial Detention

It is necessary to review the laws and practice relating to pre-trial detention to enhance compliance with all international, regional and national obligations. It is also important for efforts to be made to identify and address the causes of pre-trial detention, such as inadequate police training and capacity for criminal investigations, discrimination, corruption, political interference and the inadequate provision of legal aid services, among others.

7.3 Use of the Regional and International Mechanisms

Regional and international mechanisms should be used to address the issues of pre-trial detention for example by:

- Motivating for the African Commission on Human and Peoples' Rights (ACHPR) to pass a resolution on pre-trial detention
- Assisting victims to file complaints before the ACHPR, the Human Rights Committee and the East African Court of Justice
- Encouraging the government to allow visits of the Special Rapporteur on Prisons and Conditions of Detention in Africa and the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment, and Uganda should be encouraged to ratify the Optional Protocol to the Convention Against Torture.

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ABOUT APCOF

The African Policing and Civilian Oversight Forum (APCOF) is a network of African policing practitioners from state and non-state institutions. It is active in promoting police reform through strengthening civilian oversight over the police in Africa. APCOF believes that strong and effective civilian oversight assists in restoring public confidence in the police; promotes a culture of human rights, integrity and transparency within the police; and strengthens working relationships between the police and the community.

APCOF achieves its goals through undertaking research; providing technical support and capacity building to state and non-state actors including civil society organisations, the police and new and emerging oversight bodies in Africa.

APCOF was established in 2004, and its Secretariat is based in Cape Town, South Africa.

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