

**JUSTICE LAW AND ORDER
SECTOR INTEGRITY COMMITTEE
(JLOSIC) REPORT 2014**

**PRESENTED BY HON.
JUSTICE JOTHAM
TUMWESIGYE(JSC),
CHAIRPERSON JLOSIC.**

PREAMBLE.

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- The Justice Law and Order Sector Integrity Committee conducted its second annual tour in November 2014 (24th – 29th) to assess the status of integrity in the sector and also follow up the realisation made during the previous tour.
- The JLOSIC tour targeted a number of key JLOS institutions that have a bearing on the administration of justice in all the districts visited. These included; the Uganda Police Force, the Judiciary, Uganda Prisons Service, the directorate of public prosecutions to mention but a few.
- The Committee was divided into 8 teams which visited various office stations of JLOS institutions across all the regions in the country.

COMPOSITION OF THE TEAMS.

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CENTRAL REGION.

- **Hon. Justice Jotham Tumwesigye JSC – Team Head**
- **Hon Justice Elizabeth Musoke – Judge of the High Court**
- **Mr. Ochom Edward – Assistant Inspector of Police**
- **Ms. Elizabeth Nanfuka, Assistant Commissioner of Prisons**
- **H/W Kisawuzi Elias, Registrar Planning.(Judiciary)**
- **H/W Amos Kwizera, Ass. Registrar Inspectorate (Judiciary)**
- **Mr. Ndyamulani Atyenyi, Senior Principal State Attorney.**
- **Mr. Okurut Felix, Senior Economist, Judiciary.**
- **Ms. Namugenyi Zubedah, Legal Research Officer (Judiciary)**

NORTHWESTERN REGION. 4

- **Hon. Justice Musalu Musene , Nakawa High Court - Team Head**
- **His Worship Thaddeus Opesen, Assistant Registrar Commercial Court.**
- **Mr. Owoko Zachary, Assistant Commissioner, Uganda Prisons.**
- **Mrs. Eva Kabasindi Byaruhanga, Principal Assistant Secretary, Judiciary.**
- **Mr. Ahimbisibwe Wilson Commissioner of Police, Uganda Police Services.**
- **Ms. Juliet Kayondo , Principal Assistant Secretary, Ministry of Justice and Constitutional Affairs.**
- **Ms Juliet Logose , Head Human Rights West Nile office**

SOUTHERN REGION

- **Hon Lady Justice Margaret Mutonyi- Team Head**
- **Hon. Grace Oburu, Judicial Service Commission**
- **Mr. JJ Sonko, Judiciary**
- **Mr. Charles Birungi , Senior Commissioner of Police**
- **Mr. Allan Okello, Assistant Commissioner of Prisons.**
- **Mrs. Margaret Nakigudde, Principal State Attorney**
- **Miss Miriam Namutebi, Commissioner, Ministry of Justice**
- **Ms. Peruth Nshemereirwe, Uganda Law Society**
- **Mr. Semwogerere M. Robert, SAS/ FA , Judiciary**

- **EASTERN REGION**

- **Hon. Justice Elizabeth Nahamya – Team Head**
- **Mr. Obol David Otori** **Uganda Law Reform Commission.**
- **Mr. Obura Augustine** **Uganda Prisons Service**
- **Mr. Okalany William** **Uganda Police**
- **Mr. Semalembe Simon** **DPP**
- **Mr. Nsenga Festo** **Judiciary**
- **Mr. Matovu Joseph** **Judiciary, Secretary**

- **NORTHERN REGION.**
- **Hon. Justice N.D.A Batema, Resident Judge Fort portal**
- **H/W Tom Chemutai, Registrar, Judicial Studies Institute.**
- **Hon. Henry Kyemba, Judicial Service Commission**
- **Ms. Okalany Susan, Senior Principal State Attorney.**
- **Mr. Kakungulu Wagabaza, Prisons**
- **C.P Wagama Simon, Police**
- **Mudoï Musa, JLOS secretariat**
- **Ms. Priscilla Nyarugoye, Human rights commission**
- **Ms. Akello Harriet Rose, Senior Human Resource officer.**

SOUTHWESTERN REGION

- **Hon. Justice Augustine Nshimye, Justice of the Court of Appeal – Team Head**
- **Mr. Obura Augustine, commissioner custodial services , Uganda Prisons Service**
- **H/W Araali K. Muhirwa, Magistrate Grade 1/ Ass. P.R.O, Judiciary.**
- **Ms. Mary Goretti Sendyona, commissioner, HR, judiciary**
- **Mr. Samson Masiga Principal Rehabilitation Officer, Ministry of Gender, Labour and Social Development.**
- **C.P Gumisiriza Edison, Uganda Police**
- **Mr. Nahabwe Linnard. R, Assistant Secretary, Judiciary.**

NORTHEASTERN REGION.

- **Hon. Justice John Eudes Keitirima, resident Judge of Gulu – Team Head**
- **H/W Serunkuma Issa, Assistant Registrar, judiciary**
- **Mr. Moses Waisswa, Internal Auditor, Judiciary**
- **Ms. Jane Akuo Kajuga, Senior Principal State Attorney, DPP**
- **Mr. Andrew Kananura, Prisons**
- **Mr. Julius Mwebembezi, Judicial Service Commission.**
- **C.P. Mugisha Bazile, Uganda Police**
- **Mr. Waniale Benjamin, Economist, Judiciary.**

WESTERN REGION

- **Mr. Muhindo Ngene, Under Secretary, Judiciary – Team Head**
- **Mr. Samuel Amule, commissioner local government**
- **Mr. Charles Kaamuli, Principal State Attorney**
- **H/W Asimwe Tadeo, Ag. Registrar/ inspector of courts**
- **M.S Nakabembe Fausta, Internal Auditor**
- **Mr. Assimwe Julius, commissioner prisons**
- **ACP Emodingo , police**
- **Ms. Grace Katusiime, Principal Social Dev't Officer, ministry of Gender, Labour and Social Development.**

COMMITTEE FINDINGS.

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INTRODUCTION

The committee findings revealed a few improvements of complaints raised in the previous report. Some JLOS officers were commended for the work well done. These include H/W Agnes Nkonge the Chief Magistrate Mukono, H/W Lilian Bucyana the Chief Magistrate Buganda road Court.

The prisons service also realized an improvement in the welfare of the prisoners which included the construction of water borne toilets.

That notwithstanding, there is need to address all the complaints raised in order to improve service delivery as mentioned in the committee findings.

COMMITTEE FINDINGS...

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INADEQUACY OF INFRASTRUCTURE

- **Unsuitable location of some JLOS office stations especially the courts in rented premises.**

The Justices of the Court of Appeal complained about the unlimited access to the court premises which posed a security threat to the justices and other court users, the Nakifuma court is located along the highway which is puts the lives of court users in danger.

COMMITTEE FINDINGS...

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INADEQUACY OF INFRASTRUCTURE...

- **The team found that the condition of the infrastructure in most of the JLOS office stations was very poor.**

This was attributed to the fact that they were too old or poorly maintained.

For instance, the prison ward in Patong Prison was cracked and at the verge of collapsing, the court halls at Lugazi Court.

- **Lack of water borne toilets in the prison wards. Many of the prisons still use the bucket system which is inhumane and degrading.**

COMMITTEE FINDINGS...

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INADEQUACY OF INFRASTRUCTURE...

- **Some buildings though rented were in a dire state and could no longer be used for court business.**
- **Some of the newly constructed buildings demonstrated poor workmanship and shady work for instance the court in Katakwi was in a dilapidated state despite it being relatively new.**

COMMITTEE FINDINGS...

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INADEQUACY OF INFRASTRUCTURE...

- **The inadequacy of remand homes country wide which affects the administration of juvenile justice.**
- **Congestion**
Many prisons were found to be accommodating many more inmates than their intended capacity. Arua prison was at the time of the visit accommodating 700 prisoners contrary to the 200 prisoners, it was built to accommodate. Similarly, Murchison Bay Prisons, Luzira was holding 1999 prisoners contrary to the 600 prisoners it was built to accommodate.

COMMITTEE FINDINGS...

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LIMITED FUNDING TO JLOS INSTITUTIONS

- **This is a great contributor to the limited sessions held by the courts of judicature.**
- **The police informed the committee that that the inadequate funding in terms of fuel leaves them with no choice but to ask complainants for facilitation to foster investigations.**

COMMITTEE FINDINGS...

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POOR POLICE INVESTIGATIONS

- **It was observed that the police have tremendous weakness particularly in investigating cases that require forensic evidence. This leads to the collapse of otherwise good cases and the condemnation of innocent persons to long periods of imprisonment.**

COMMITTEE FINDINGS...

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- **LACK OF A SUBSTANTIVE CHIEF JUSTICE AND DEPUTY CHIEF JUSTICE.**

The lack of substantive leadership has halted the functionality of many committees that are headed by the Chief Justice such as the rules committee.

COMMITTEE FINDINGS...

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- **LONG PERIODS ON REMAND.**

Some prisoners complained that they were being kept on remand without trial for as long as 3 years.

- **HARSH BAIL TERMS**

Prisoners complained that judicial officers ask applicants to deposit land titles and logbooks which they do not have as security for bail.

COMMITTEE FINDINGS...

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- **THE ABUSE OF THE 48 HOUR RULE.**

The detention of suspects beyond the 48 hours was a common complaint. This complaint was confirmed by the teams on perusal of the suspects' lock up register at Mukono, Kanungu , Lira, and Kisoro where suspects were being held for weeks without appearing before a magistrate.

COMMITTEE FINDINGS...

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- **TORTURE OF SUSPECTS WHILE IN POLICE CUSTODY.**

The teams learnt that suspects were being tortured by police officers in order to extract confessions from them.

They cited examples of a prisoner who was electrocuted at Jinja road police station by being forced to urinate on a live electric rod etc.

COMMITTEE FINDINGS...

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- **CORRUPTION / EXTORTION.**

Many institutions were accused of being corrupt. The police was accused of detaining suspects until they paid money to be released. In the West Nile region, the police were accused of selling Police Form 3 to complainants for as high as 15,000/=. Police officers were allegedly making complainants pay for canine services.

COMMITTEE FINDINGS...

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CORRUPTION / EXTORTION.

State attorneys were accused of sanctioning of baseless cases without evidence and forcing complainants in serious criminal cases to settle them out of court. This was attributed to corruption.

At the courts, the public complained mostly about the corruption of the non-judicial staff who extort money from litigants in order to have their cases cause listed, to type records of proceedings e.t.c.

COMMITTEE FINDINGS...

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INADEQUATE FACILITATION FOR THE JLOS PERSONNEL.

- The RSAs complained that the government medical personnel are not properly facilitated in terms of transport refund to ensure their attendance of court.
- The court orderlies also complained that their welfare at the court was not catered for. They have no provision for lunch and break tea.

COMMITTEE FINDINGS...

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INADEQUATE FACILITATION FOR THE JLOS PERSONNEL...

- Police officers complained about the inadequacy of transport facilities to visit scenes of crime, paper to record statements, low salaries, poor accommodation etc.

COMMITTEE FINDINGS...

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- **CHRONIC ABSEENTISM ESPECIALLY OF JUDICIAL OFFICERS.**

Members of the public complained that judicial officers especially in up country stations do not work on Mondays and Fridays. They cited the example of the Chief magistrate of Moyo who had allegedly last gone to the Adjumani court in February 2014.

COMMITTEE FINDINGS...

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- **POOR TIME KEEPING BY JUDICIAL OFFICERS...**

The public told the teams that in many courts, judicial officers come to court late and leave very early. In Mbale District, the JLOSIC team confirmed this on the date of the visit to Mbale court when the team arrived at the court premises at around 8:30am and the judicial officers and staff started arriving at about 9:30 am.

COMMITTEE FINDINGS...

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- **INTERFERENCE OF RDCS IN THE EXECUTION OF COURT ORDERS.**

Judicial officers, bailiffs and the public complained that the RDCs were interfering with the execution of court orders.

- **JUDICIAL OFFICERS COMPLAINED THAT PRIVATE LAWYERS LEVEL FALSE ALLEGATIONS OF CORRUPTION AGAINST THEM WHEN THEY LOSE CASES IN COURT.**

MORE COMMITTEE FINDINGS...

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- LACK OF SENSITISATION OF INTERVENTIONS SUCH AS PLEA BARGAINING.
- THE LACK OF PROPER STORAGE OF EXHIBITS AT POLICE STATIONS.
- JUDICIAL OFFICERS WERE ACCUSED OF ISSUING DIFFERENT HEARING DATES FOR THE SAME CASE.
- THE PRISONERS COMPLAINED ABOUT THE QUALITY OF LAWYERS ON STATE BRIEF.
- JUDICIAL OFFICERS WERE ACCUSED OF FAILURE TO VISIT LOCUS IN QUO.

COMMITTEE FINDINGS...

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- **LACK OF TRANSPARENCY IN CAUSE LISTING CASES.**

The teams found that there is lack of transparency in cause listing which results in new cases being heard before old ones.

- **DELAYED SERVICE OF COURT PROCESS.**

This was attributed to inadequate funding and lack of transport facilities for the process servers.

- **THE FAILURE OF PRISON AUTHORITIES TO PRODUCE PRISONERS TO ATTEND COURT SESSIONS.**

- **THE DISREGARD OF THE TWO WEEKS MENTION PERIOD.**
- **LONG ADJOURNMENTS.** Members of the public complained about long adjournments of cases.
- **LOSS OF POLICE FILES AT POLICE STATIONS, STATE ATTORNEYS' OFFICES AND AT COURTS.**
- **JUDICIAL OFFICERS WERE ACCUSED OF BEING TOO COMPLIANT TO THE DPP'S ADJOURNMENT REQUESTS RESULTING IN DELAY IN THE DISPOSAL OF CASES.**
- **DELAY IN DISPOSAL OF CASES.**

COMMITTEE FINDINGS...

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- **FAILURE BY THE POLICE TO RETURN SUSPECTS' PROPERTY AT THE TIME OF THEIR DISCHARGE FROM POLICE STATIONS.**
- **LACK OF PROBATION OFFICERS WAS A COMMON COMPLAINT.**
- **THE NEED FOR A HIGH COURT IN MUKONO.**
Members of the public complained about the fact that appeals from the Chief Magistrates Court, Mukono are heard in Jinja.
- **THE SCARY NATURE OF THE WIGS WORN BY JUDGES DURING COURT SESSIONS WAS COMPLAINED ABOUT.**

COMMITTEE FINDINGS...

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- **THE TRANSFER OF ERRANT JUDICIAL OFFICERS AS A MODE OF DISCIPLINARY ACTION.**

The public complained that the judiciary often transfers errant officers as a punishment instead of disciplining them.

RECOMMENDATIONS

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Based on the findings of the November 2014 tour, the following action points are recommended.

- There should be an audit of the available infrastructure for purposes of assessing whether there was value for money for the newly constructed and renovated structures.
- The courts should work hand in hand with the prison service to ensure transparency in cause

RECOMMENDATIONS ...

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listing cases where the order of first in first out is operationalised.

- There is need to increase the magisterial areas in order to bring justice closer to the people.
- There is need to increase the number of High Court circuits.
- There should be motorcycles at every court to ease service of court process.

RECOMMENDATIONS ...

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- The sector leadership should prioritise allocation of funds for the core activities of the institution. The judiciary should allocate more funds to ensure holding of more sessions.
- The terms and conditions of the JLOS staff should be improved in order to ensure better service delivery.

RECOMMENDATIONS ...

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- The inspectorate function in all institutions should be strengthened in order to improve performance of judicial officers and staff.
- Sensitisation on interventions such as plea bargain should be carried out.
- The judiciary should refrain from the use of transfers of errant officers as a mode of disciplinary action.
- Training should be made available to judicial officers and staff in order to enhance performance.

RECOMMENDATIONS ...

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- The sector leadership should provide adequate resources to the investigating function. This can be achieved through decentralisation and adequate equipping of government analytical laboratories for better and timely management of forensic evidence.
- There should be a balance between investment in physical infrastructure and operations.

RECOMMENDATIONS ...

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Whereas the sector has seen an improvement in the availability of vehicles, fuel and the funds to maintain the same have not been equally provided.

- ICT should be introduced in order to improve records management.
- There should be a deliberate effort to increase the holding capacity of prisons especially in the male wards.

RECOMMENDATIONS ...

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- Remand homes should be constructed at district levels to promote juvenile justice.
- The Ministry of Gender, Labour and Social development should recruit social workers to aid the rehabilitation of juveniles.
- The Uganda Law Society should establish a law journal to act as a platform for legal practitioners to professionally critic court decisions.

RECOMMENDATIONS ...

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- The Uganda Prisons Service should construct more water borne toilets in all prison wards in order to eliminate the bucket system.

● THANK YOU.