

# **VIEWS OF UGANDA PRISONS SERVICE ON THE PERFORMANCE OF THE JUDICIARY.**

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## **1. Introduction**

Uganda Prisons Service is a component of the criminal justice system responsible for administering the sentences of convicted offenders sentenced to imprisonment and providing custody for individuals who have been remanded by the courts of Uganda.

The Vision of the UPS is a centre of excellence in providing human rights based correctional services in Africa and our mission is to provide safe, secure and humane custody of offenders while placing human rights at the centre of their correctional programmes.

The Service shall ensure that every person detained legally in a prison is kept in humane, safe custody, produced in court when required until lawfully discharged or removed from prison.

## **2. How judicial work affects Uganda Prisons Service.**

- **Prison overcrowding**

The rise in prison population is largely a matter of courts sending an increasing proportion of offenders to prison for longer periods. Courts make greater use of imprisonment as a punishment.

The current prisons carrying capacity is for a daily average of 16,057 prisoners. The current average prisoners population of 41,906 (54.5% remands, 44.9% convicts, 0.6% civil debtors) exceeds the available capacity by 25,849 inmates with some prisons housing up to 8 times their designed holding capacities.

Overcrowded prison conditions have contributed to situations where even well meaning and dedicated correctional workers cannot possibly protect the most basic human rights of prisoners.

- **Management of prisoners serving long sentences**

The increasing length of sentences being imposed by courts has led to significant concern about how to manage the growing number of prisoners serving long sentences.

Some of the sentences passed range from 20 years without remission to 70 years imprisonment, life imprisonment and rest of life.

Any prisoner serving a long sentence is assumed to be dangerous, a threat to the public and as such, has to be held in conditions of maximum security. This leads to congestion of the maximum security facilities. It is also almost impossible to rehabilitate prisoners who have no hope of leaving prison one day.

- **Time management**

Some judicial officers tend to work till late some may even go up to 7.00pm. This is a security risk to both the prisoners and the staff, who have to travel back to their stations.

- **Interpretation of sentences**

On a number of occasions, some judicial officers have delivered sentences that are not clear and the officers in charge, prisons have found difficulty interpreting them.

- **Number of High Court Sessions.**

The number of high court sessions are still low and this has led to a high number of committals, who pose a security risk because of the uncertainty they live with, in the prisons.

### **3. Roadblocks to a better performance of the judiciary.**

- **Punitive Criminal Justice Policies.**

These policies have an impact on the growth of the prison population. Courts are more likely to sentence offenders to imprisonment and impose longer sentences.

Non-violent offenders who have committed minor crimes are increasingly likely to be imprisoned, rather than being cautioned, fined or awarded a suspended sentence.

Non-custodial alternatives are often overlooked in favour of deprivation of liberty.

- **Unethical behavior**

The judiciary, like any other government department in Uganda has not gone without being accused of unethical practices. Delayed judgments are blamed on rampant corruption leading to denial of a fair and impartial trial.

- **Weak compliance with codes of conduct**

Late coming and absenteeism are common in the judiciary and so the judicial process is compromised by frequent adjournments.

- **Case backlog**

There are delays in trials and delivery of judgments and this results in case backlog. There are high backlogs of cases in the courts which lead to poor recording of proceedings. The slow disposal of cases stifles economic development by discouraging investment.

- **Inadequate staffing**

There are not enough judicial officers to handle the increasing case loads properly.

- **Lack of substantive leadership.**

The judiciary has no substantive Chief Justice and Deputy Chief Justice. The lack of a substantive leader undermines progress in addressing policy and administrative issues.

- **Low level of computerization**

Poor record keeping and poor recording of proceedings  
Disappearance of files.

- **Non –use of alternatives to imprisonment.**

Alternatives to imprisonment have not been popular with the judiciary because of a number of reasons, some of which are:

- a) Lack of confidence in their effectiveness.
- b) The lack of necessary infrastructure and organizational mechanism for cooperation between criminal justice agencies.
- c) The lack of funding, staff and training of a supervising body; and
- d) The lack of public support.

- **The overuse of pretrial detention**

A large number of people do not enjoy the rights, in practice, which guarantee their access to justice, and are subjected to prolonged pretrial detention and unfair trials. Prisoners are kept on remand for long periods without trial, some for as long as three years. These are mainly committed prisoners on capital charges. The period spent on committal is indefinite.

Persons with mental health disorders in conflict with the law are also sent to prisons and so are fine and/or debt defaulters.

- **Poor communication.**

The communication is sometimes poor. Production warrants may be sent late to the prisons and the time is not sufficient to prepare the prisoners to be produced before court at the time ordered. On the other hand, prisoners are transferred from one prison to another without informing the courts.

## 4. Way forward

- **Information sharing**

Continuously collecting, monitoring and analyzing admission and length of stay information and sharing the results with the judiciary and officials in leadership positions in government. Their cooperation is essential because they collectively control the policies and practices that determine prison administrations and length of stay of prisoners.

- **Public Sensitization**

There should be public awareness of courts and court procedures including sensitization on non-custodial measures.

- **Constant liaison with courts** and particularly, involvement in sentence planning that will pave a way for non-custodial measures. Cross-institutional consultation in scheduling of cases and timely submission of data.
- **Appointment of more judicial officers**
- **Increased use of plea bargaining** in order to decongest prisons and to help reduce case backlog.
- **Standards of performance** need to be set, monitored and enforced. Absenteeism of judicial officers should be dealt with through disciplinary measures.

## 5. Conclusion

The judiciary has undertaken considerable reforms in the administration of justice to improve performance. However, the delivery of judicial services has not fully met the expectations of the public and stakeholders.

There is need for the judiciary to review its strategy to ensure that quality justice is dispensed to Ugandans. This will ensure that the judiciary plays its rightful role in accelerating the transformation of Uganda's economy.

**Thank you for your kind attention!**