



THE REPUBLIC OF UGANDA



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

# A CITIZEN'S HANDBOOK

## on Law and Administration of Justice in Uganda

Fourth Edition

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## FOREWORD

We are pleased to introduce to you this publication being the 4th Edition of the Citizen's Handbook on Law and the Administration of Justice in Uganda. The review of this Handbook is one of the signature projects of the 5th Commission, in its Education and Public Affairs Programme.

This Handbook seeks to empower our citizens, and residents to assert their rights from an awareness perspective. In so doing, there will be more respect, protection and promotion, and observation of fundamental and other human rights and freedoms. This will have the effect of ensuring accountability by the Judiciary, the Judicial Service Commission and other Justice, Law and Order Sector (JLOS) Institutions, to the citizens of Uganda.

We are sincerely grateful to the United Nations Office of the High Commissioner for Human Rights in Uganda who supported and financed the Review and Publication of this Handbook.

I note the efforts of Member of the Commission, Ms. Ruth Sebatindira, in particular, who led the efforts towards this review, the Chairperson of Education and Public Affairs Programme (EPA) Committee, the other Members of the commission, the Secretary and staff of the Commission, and the Consultants for working together to accomplish this review and publication.

I believe that this Handbook will provide an opportunity to our citizens and residents, in a way that will help to strengthen the rule of law, the promotion of good governance and for justice to be served in respect to their cases or complaints.

**FOR GOD AND MY COUNTRY.**

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by several horizontal strokes and a final vertical stroke.

**HON. JUSTICE BENJAMIN KABIITO**  
**CHAIRPERSON, JUDICIAL SERVICE COMMISSION**

**May 2020.**

## PREFACE

The Citizen's Handbook on Law and Administration of Justice in Uganda introduces the Judicial Service Commission, as one of the 18 Justice Law and Order Institutions, under the Sector Wide Approach, for communication, cooperation and coordination, in respect to the promotion of the rule of law, public order, the proper administration of justice, good governance and the protection and observance of human rights.

This Handbook is published under the theme: *"Peoples Bridge to Justice"*. The Constitution of the Republic of Uganda, 1995, requires the Judicial Service Commission to *"act as a link between the people and the Judiciary and to prepare and implement programmes for the education of and for the dissemination of information to judicial officers and the public about the law and the administration of justice"*.

This is implemented by the Education and Public Affairs Committee and the Directorate of Education and Public Affairs of the Commission, which consider programmes that report the need to educate our people about the law and their rights.

There is an ever increasing culture of silence among citizens when fundamental rights are violated caused by a sense of powerlessness as to what can be done, to evils such as corruption. The other evil that we face is the decline in morals especially among the youth, who form the majority of our population, on account of decline of ethical values and principles in the family and community setting.

It is important therefore, that the people gladly receive all the opportunities for public legal education offered by the Commission and any other agencies of Government so that the people can influence the quality of their governance and development and claim their rights as well as seek appropriate recourse.

In the following chapters, this handbook introduces to the reader the JLOS institutions and their functions; duties and responsibilities with respect to the manner in which the proper administration of justice and the rule of law can be exercised; ways the citizen can access justice. The aim is to provide knowledge that the public can use with confidence and courage to claim their rights.

These JLOS institutions are: the Judicial Service Commission, Ministry of Justice and Constitutional Affairs, Uganda Police Force, Judiciary, Office of the Director of Public Prosecutions, Uganda Prisons Service, Ministry of Internal Affairs, Uganda Law Reform Commission, Ministry of Local Government (Local Council Courts) and Ministry of Gender, Labour and Social Development (Probationary Services rendered by the Department of Youth and Children Affairs), Uganda Human Rights Commission, Law Development Centre, Tax Appeals Tribunal, Uganda Law Society, Centre for Arbitration and Dispute Resolution, Uganda Registration Services Bureau and National Identification and Registration Authority.

## ACKNOWLEDGMENTS

The Judicial Service Commission would like to thank the United Nations Office of the High Commissioner for Human Rights (OHCHR) for its financial support towards the preparation of this Citizen's Handbook on Law and Administration of Justice in Uganda.

Special gratitude goes to all the Members of the Commission, Secretary and staff of the Judicial Service Commission, in particular the Directorate of Education and Public Affairs (EPA) for their role in the preparation of this Handbook.

The Commission would like to acknowledge all the stakeholders who participated in the validation and pre-testing workshops that discussed the draft of this Handbook. Their constructive criticism was an invaluable contribution.

**Finally, the Commission would like to thank Ms. Deborah Ossiya and Mr. Caesar Martin Kabogoza-Musoke, the consultants that prepared this Citizen's Handbook.**

## ABBREVIATIONS

CADER	Centre for Arbitration and Dispute Resolution
CAO	Chief Administrative Officer
CDO's	Community Development Officers
C.I.D	Criminal Investigation Department
C.I.I.D	Criminal Investigation and Intelligence Department
C.R.B	Criminal Record Book
C.R.R	Criminal Record Register
DCDO	District Community Development Officers
DNA	Deoxyribonucleic acid
DPC	District Police Commander
FIDA	The Uganda Association of Women Lawyers
G.E.F	General Inquiries File
HIV / Aids	Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome
I D	Identity Card
IG	Inspectorate of Government
IGP	Inspector General of Police
I.O	Investigating Officer
JLOS	Justice, Law and Order Sector
JSC	Judicial Service Commission
LC	Local Council
LDC	Law Development Centre
MP	Members of Parliament
NGOs	Non Governmental Organizations
NIRA	National Identification and Registration Authority
NWSC	National Water and Sewerage Corporation
O/C	Officer in Charge
O/C C.I.D	Officer in Charge Criminal Investigation Department
ODPP	Office of the Director Public Prosecutions
PROCAM	Prosecution Case Management System
RDC	Resident District Commissioner
RSA	Resident State Attorney
SA	State Attorney
SD	Station Diary
T.A.R	Traffic Accident Report
T.O.R	Traffic Offence Report
UHRC	Uganda Human Rights Commission
U.L.S	Uganda Law Society
UNBS	Uganda National Bureau of Standards
URA	Uganda Revenue Authority
URSB	Uganda Registration Services Bureau
UWA	Uganda Wildlife Authority

## INTRODUCTION

We all experience challenges and successes in our day to day activities. It is therefore likely that we, or our family, someone we know, or community are dealing with or are threatened with any one or more of the following situations.

- 1) A disagreement relating to inheritance of property.
- 2) A defilement case affecting a child below eighteen years.
- 3) Gender or domestic violence.
- 4) A land dispute.
- 5) A claim of criminal trespass or malicious damage to property.
- 6) A dispute about access to a water channel, river or stream.
- 7) Concern about environmental degradation affecting the community and property.
- 8) Injustice or discrimination in courts of law due to corruption.
- 9) Lack of knowledge about the law or availability of law books and other law related materials.
- 10) Unexplained delays in the delivery of judgments by courts.
- 11) Mistreatment during arrest and in custody by security persons.
- 12) Land grabbing and eviction.
- 13) Relationship or marriage breakdown leading to divorce, property sharing and childcare disputes.

Whether the situation is due to a lack of knowledge or interest, fear of the unknown, or lack of confidence in the justice system, you may be unable to claim your rights and to take the right action. As a result, you may be unable to protect yourself and others, and to prevent disputes.

It is therefore important that you acquire knowledge about the law and the administration of justice, which will enable you to express, protect, demand and claim your rights, or those of your family or community, at every dispute resolution office or court of law.

You may have heard of the saying that ***“ignorance of the law is no excuse”, this means that “a person who is ignorant of a law may not escape responsibility for violating that law simply because he or she was not aware of its existence or effect”***. It also means that ***“a person can not claim that he did not use the law to claim his or her right because he or she was not aware of the law at a particular time”***.

This Citizens’ Handbook on the Law and Administration of Justice in Uganda is published as one of the tools to provide the general public with information and knowledge about the law.

Administration of justice is the process by which the legal system works in a country. The goal of such administration is to provide justice for all those accessing the legal system.

This Handbook should help you in the following ways:

- Recognize that you have a legal right which you can exercise;
- Understand your duties and responsibilities so that you can perform them;
- Recognize when a problem, matter or conflict is legal and when, how and where you can get the problems resolved through using the law;
- Understand how to seek assistance under the law;
- Understand your duty and the necessity to report any injustice or a violation of a right to the correct authority, or leader without delay;
- Know how and where to find information related to the law and how to use it;
- Protect evidence of injustice or violation of a right so that the correct authorities can use it as an exhibit in a court of law;
- Know when, where and how to obtain proper legal assistance;
- Observe and report the performance of public servants so as to hold them to account;
- Understand how you can fight against corruption and improper conduct in service delivery;
- Organize and form Citizens' Court User Groups and Court Watch groups (CCWG) to observe service delivery in the judiciary and to report judicial officers who misbehave;
- Improve your confidence in the legal system to provide solutions; and
- Understand the legal and justice process enough to recognize when justice has been served in your case or matter.

Knowing your rights and responsibilities enables and sets you and your community free and provides an opportunity for actual and fair resolution of disputes.

### **What does this handbook do?**

This handbook provides a simple step by step guide for making suitable decisions on matters related to justice and the law. It also explains how the justice system works and how it can be accessed in Uganda.

An effort has been made to simplify legal issues and explain them through real-life examples for a better understanding of your rights and solutions.

The handbook gives guidance on reference material for further reading, including manuals, tools and citizen guides, developed by other partner institutions.

The handbook captures changes in the law and administration of justice in Uganda since the last edition. This Handbook also includes the feedback and suggestions received from stakeholders' forums and engagements over time.

This edition covers the following:

- Identifies common challenges to accessing justice in Uganda and gives solutions on how to deal with such challenges;
- Explains the role of the main institutions for the administration of justice in Uganda and provides information on what can be done if one is dissatisfied with the service provided by these institutions;
- Provides basic information on how administration of justice works in Uganda;
- Describes the rights of children and the way children who are in conflict with law should be treated as well as providing guidance on what to do if you have a family problem of a legal nature;
- Explains the rights of owners and users of land and provides guidance on settling land disputes;
- Sets out the rights of women in the administration of justice in Uganda;
- Seeks to empower the general public to assert their rights and seek suitable solutions;
- Provides a list and explanation of important terms and definitions;
- Answers Frequently Asked Questions (FAQs);
- Provides real-life examples that explain important aspects of the law and the justice system;
- Provides pictures or images that show WHO, WHERE, WHAT and HOW the justice system operates; and
- Creates a reference list in order to guide further the user's understanding and appreciation of the justice system.



# CHAPTER ONE

## COMMON BARRIERS TO ACCESSING JUSTICE IN UGANDA

### Common Challenges to Accessing Justice

You might have previously experienced difficulties in claiming or enjoying your rights. The following table aims to guide you to be able to identify challenges to accessing justice when they occur and proposes solutions to dealing with such challenges.

Category	Possible Impact	Possible Remedies
<b>Discrimination:</b> This occurs when you are treated badly because of your tribe, HIV status, social or economic status, political opinion, religion, age, sex, disability or because you are a refugee or displaced person.	<ul style="list-style-type: none"> <li>▪ Powerless to complain.</li> <li>▪ Unable to access service.</li> </ul>	<p>It is against the law for anyone to be unfairly discriminated.</p> <p>You should immediately report this situation to the head of body or organizations concerned for example if its the police contact the DPC, RDC, O/C Station or PSU.</p> <p>If you are not satisfied with the outcome of your complaint then you can contact:</p> <ul style="list-style-type: none"> <li>• Equal Opportunities Commission</li> <li>or</li> <li>• Human Rights Commission</li> <li>or</li> <li>• a Lawyer</li> <li>or</li> <li>• a Legal Aid Service Provider.</li> </ul> <p>(See annexure for more information)</p>
<b>Lack of knowledge of Rights/Legal Knowledge:</b> You do not know what to do because you don't know your rights or understand the law	<ul style="list-style-type: none"> <li>▪ You are not able to claim your rights.</li> <li>▪ You are not able to defend yourself.</li> <li>▪ Your rights are violated.</li> <li>▪ You lose your property, job, family etc.</li> <li>▪ You take the law in your hands: mob justice</li> </ul>	<p>The following groups of people may be able to give you information that you can use to claim your rights or defend yourself:</p> <ul style="list-style-type: none"> <li>a) Local leaders like the LC or, MP</li> <li>b) Local Legal Aid Service Provider or NGO</li> <li>c) Judicial officers such as Magistrate or Judge</li> <li>d) The DPP or RSA, Police</li> <li>e) Community Legal Volunteers or Paralegal</li> <li>f) A lawyer.</li> </ul> <p>(See annexure for more information)</p>

Category	Possible Impact	Possible Remedies
<b>Unprofessional/Unhelpful Civil Servants:</b> You are provided with a service that is below the acceptable standard. Staff are rude and unhelpful.	<ul style="list-style-type: none"> <li>You are helpless to complain.</li> <li>Poor supervision of officers leading to corruption, abuse of office and wrong conduct</li> <li>You are unable to access a service because civil servants have neglected their work or because you have to pay a bribe to receive the service.</li> </ul>	<ul style="list-style-type: none"> <li>Report all such conduct to the relevant authorities. For example, you can complain about a Magistrate or Judge to the Judicial Service Commission while you can complain about a police officer to the Professional Standards Unit.</li> <li>Report a lawyer to the law Council.</li> </ul>
<b>Interference in the judicial or justice system:</b> A politician, clergy, public servant, or any other rich person is trying to influence the decision of a court in your case.	<ul style="list-style-type: none"> <li>You are not able to claim your right.</li> <li>You lose confidence in the judicial system.</li> <li>Your rights are violated.</li> <li>You lose your property/job/family</li> <li>You take the law in your hands-mob justice.</li> </ul>	<p>It is against the law for any person to interfere in the judicial process. You can report such interference to several institutions depending on who you want to complain about. These include:</p> <ul style="list-style-type: none"> <li>The Judicial Service Commission in the case of Magistrates and Judges.</li> <li>The Inspectorate of Government in case of a public officer.</li> <li>The Speaker of Parliament and Uganda Law Society may also be able to assist you.</li> </ul> <p>Your Local Legal Aid Service provider or a lawyer may be able to guide you on where you can report the matter.</p>
<b>Physical barriers that prevent access to justice:</b> It may be very expensive for you to travel to the court or police station or pay for the services of a lawyer. You may also have a disability that makes it difficult for you to travel. Courts and police stations may be located very far from your home.	<ul style="list-style-type: none"> <li>You lose confidence in the administration of justice.</li> <li>You are unable to claim your rights.</li> <li>You lose your property/job/family.</li> <li>You take the law in your hands a carry out mob/vigilante justice.</li> </ul>	<ul style="list-style-type: none"> <li>To report to your local leaders such as the LCV and the Local MP to see how you can get a justice institution near you. A long time solution is to plan for associated costs for the case and prepare for all cases early.</li> <li>Your Local Legal Aid Service provider or a lawyer may be able to assist you.</li> </ul>

## CHAPTER TWO

### MAIN INSTITUTIONS FOR THE ADMINISTRATION OF JUSTICE IN UGANDA

We should all be aware of the institutions that play a critical role in the administration of justice, their duties, responsibilities, and mandates. The main Government institutions for the administration of justice in Uganda include the Judiciary, Judicial Service Commission, Uganda Police Force, Uganda Prisons, Probation and Welfare Department, Office of the Director of Public Prosecutions, and Uganda Law Society. In this Chapter, we discuss the structure of the main Government institutions that work in the administration of justice and their main roles. We also explain what you can do if you are dissatisfied with the service or conduct of persons working in these institutions.

**Table 2: Institution and Reference Color Code**

Institution	Assigned Colour Code
<b>Uganda Police Force</b> – Responsible for protecting life and property, preserving law and order and preventing and detecting crime.	
<b>Office of the Director of Public Prosecution</b> – Whose role includes carrying out criminal cases in court, directing the police to investigate crimes, taking over and continuing criminal cases brought by any person to a court as well as stopping them.	
<b>Courts of Law</b> – These are responsible for deciding disputes of a criminal and civil nature. In doing so, they must ensure that justice is done without favors, justice is not delayed, persons wronged are given enough compensation, persons in a dispute make peace, less important issues do not prevent persons from accessing justice.	
<b>Uganda Prisons Service</b> – Responsible for the safekeeping of persons waiting to be tried by the courts and those who have been found guilty of committing a crime by the courts, and restoring offenders so as to improve their ability to resettle in their communities when released.	
<b>Probation and Welfare Department</b> - Duties include identifying law breakers eligible for Community Service Orders, carrying out inquiries and providing courts with information to guide sentencing decisions, providing support to offenders during and after sentencing to foster the process of restoring them back to society, monitoring and evaluating community service activities.	
<b>Uganda Law Society</b> – Main responsibilities include dealing with standards of conduct and learning of lawyers; protecting and assisting the public in Uganda in all matters of law; and improving access to administration of justice as well as good governance in Uganda.	

**Judicial Service Commission** – The Commission deals with people’s recommendations and complaints concerning the judiciary and the administration of justice; acts as the link between the people and the judiciary, and also advises the Government on improving the administration of justice; carries out programmes for the education of, and for distributing information to judicial officers and the public about law and the administration of justice.

## THE JUDICIARY

Created by the Constitution of Uganda, the Judiciary is the system of courts of law where you, or your family or community, can take legal action against a person or entity that you claim to have violated or interfered with your rights, failed to carry out an agreement, caused you loss or damage to your property. The Government also uses the police to investigate crimes such as theft and violence and to bring suspects before the Judiciary for punishment.

It is important for you to know that the Constitution says that in settling disputes, protecting rights and punishing offenders, the Judiciary uses powers owned by the people, and therefore, its decision must reflect the law, values, norms and hopes of the people.

The term **judicial officer** is commonly used to refer to Justices, Judges, Registrars and Magistrates.

All Justices, Judges, Registrars and Magistrates are required to take the judicial oath on appointment. The judicial oath sets out the principles and honesty foundation for the performance of judicial work. It requires judicial officers to “*do right to all manner of people following the Constitution of the Republic of Uganda*” and to do so “*without fear or favor, affection or ill-will.*”

## Code of Judicial Conduct

The Code of Judicial Conduct sets out the principles and rules for regulating professional conduct among judicial officers.

- **Principle One: *Independence***: This seeks to protect two forms of independence:
  - *Independence of the judiciary as an institution* is an essential principle for maintaining the rule of law. The principle of judicial independence helps maintain public trust and confidence in the courts.
  - *The individual independence of a judicial officer* in the exercise of his or her judicial duties in deciding cases. This protects judicial officers from unnecessary influences, bribes, pressures, threats, or interference.
- **Principle Two: *Impartiality***, which means fairness. This principle is at the center of the work of a judicial officer. It applies not only to the making of a decision by

any judicial officer but also to the process by which the decision is made. Justice must not merely be done but must also be seen to be done.

- *Principle Three: **Integrity*** refers to honesty or truthfulness, honor, and reliability. This one is central to the proper discharge of the judicial office. The conduct of a judicial officer must be in such a way that reaffirms public faith in the integrity of the judiciary. Integrity is the foundation of the administration of justice.
- *Principle Four: **Propriety and the appearance of propriety*** means decency, politeness, modesty, and respectability. These values are essential to the performance of all the activities of a judicial officer. A judicial officer is required to avoid impropriety and the appearance of impropriety in all judicial and personal activities.
- *Principle Five: **All persons are entitled to equal protection of the law.*** This demands that a judicial officer should accord equal treatment to all persons who appear in court, without distinction or discrimination based on the grounds of sex, color, race, ethnicity, religion, age, social or economic status, political opinion, or disability.
- *Principle Six: **Competence and diligence*** are essential for the performance of judicial work. A Judicial Officer must, therefore, give priority to judicial duty over all other activities.

The Judicial Integrity Committee, Judiciary Peer Committee, and the Judicial Service Commission have the responsibility to ensure that judicial officers follow the Judicial Code of Conduct.

You and your community, ought to understand the principles of the code and help the Judiciary and the Commission to regulate the conduct of all judicial officers so that the proper administration of justice is made and the rule of law upheld. It is necessary as well to monitor and observe all serving judicial officers and confirm whether they respect and honor the judicial office as a public trust and are answerable to the people in that respect.

You can contact the Judicial Integrity Committee, Judiciary Peer Committee regarding a complaint relating to the Judicial Code of Conduct at:

**Courts of Judicature High Court Building Plot 2, the Square P. O. Box 7085, Kampala**  
**Tel: +256 (0) 414-344 116 Fax: +256 (0) 414-344 110. Email: info [at] judicature.go.ug**  
**Twitter: [@JudiciaryUG](https://twitter.com/JudiciaryUG)**

You should be aware that in case you are not satisfied with the decision made by the court in your case, in most circumstances you have the right to go to a higher court to change the decision. This is commonly known as appealing. This right can only be used within certain periods. It is therefore important that you ask the court or a lawyer about changing the decision and act immediately.

## Types of Court and Their Roles

The Constitution of Uganda creates 3 courts. These are:

- a) Supreme Court
- b) Court of Appeal (that doubles as the Constitutional Court)
- c) High Court

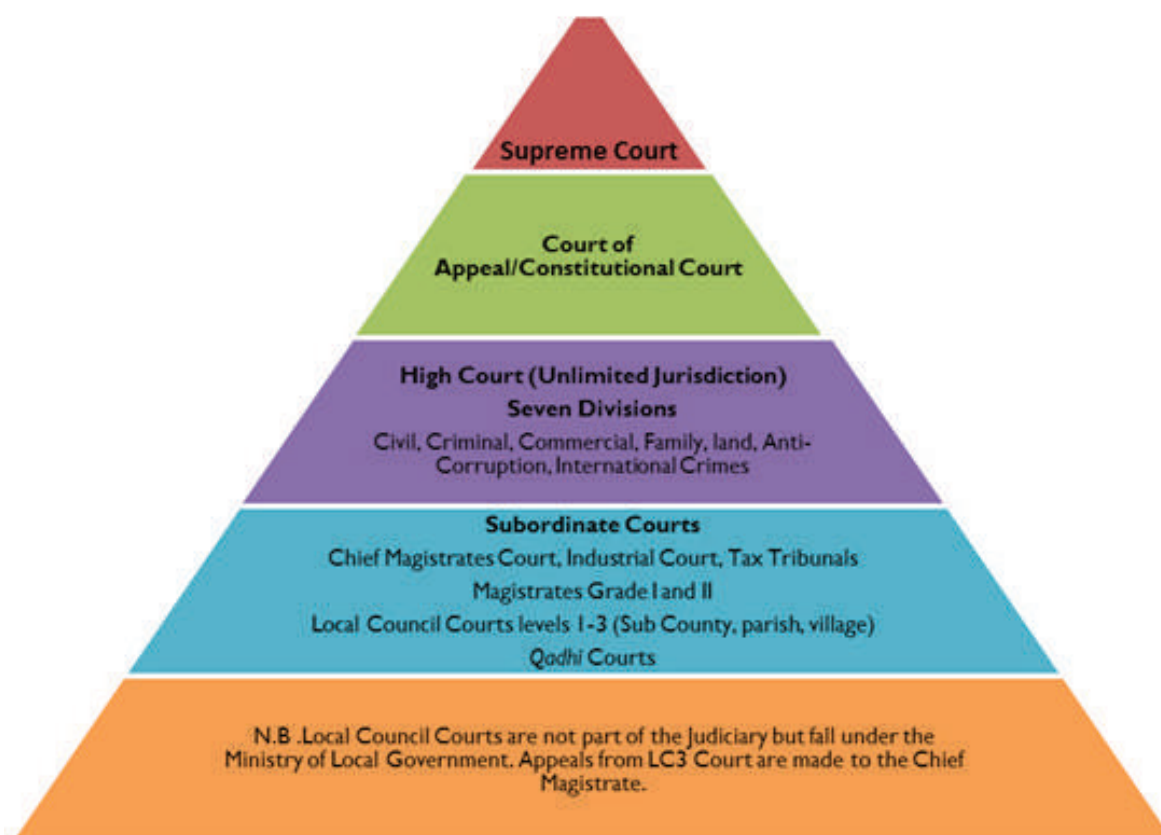
The Constitution also allows Parliament to establish other courts as it sees necessary. To fulfill this necessity Parliament created:

- a) Industrial Court
- b) Magistrates Courts
- c) Military Courts
- d) Tax Appeal Tribunals
- e) Local Council Courts
- f) Qadhi Courts

Therefore, in Uganda, we have 8 courts of law

Courts are also categorized into regular and specialized courts.

**Figure 1: The Judiciary Pyramid (showing the Hierarchy of Courts).**



***Adapted from Global Rights Paralegal Training Manual, 2011***  
***The Types, Levels of Courts in Uganda***

Each court was created with special powers that allow it to deal with specific issues.

### **The Supreme Court**

This is the highest, final or last Court of Appeal in Uganda. Once your case reaches the Supreme Court, there is no other court after this court that you can take your case to. The decision of the Supreme Court is final. Appeals from the decisions of the Court of Appeal/Constitutional Court are heard by the Supreme Court.

The Supreme Court is headed by the Chief Justice. It has a total of 11 justices including the Chief Justice. While in some courts as we will learn later only one judge decides a case, for the Supreme Court, a minimum of 5 judges is required to decide any case.

When hearing appeals from decisions of the Court of Appeal sitting as a Constitutional Court, the Supreme Court shall consist of all the members of the Supreme Court.

The Chief Justice shall preside at each sitting of the Supreme Court and in the absence of the Chief Justice, the most senior member of the Court as constituted shall preside. The Supreme Court also decides disagreements about the outcome of presidential elections.

### **The Court of Appeal/Constitutional Court**

The court has the power to hear appeals from decisions of the High Court. This court also works as the Constitutional Court. While in its capacity as the Constitutional Court, it is responsible for deciding all cases relating to the Constitution of Uganda. It is made up of the Deputy Chief Justice who is also the head of the court as well as 15 other justices. Not less than 7 justices are required to decide a case before this court.

### **The High Court**

This Court has powers to hear any case. Therefore, any case can be started in the High Court. This court also decides appeals against decisions made in the Magistrates Courts. It also hears disagreements about the outcomes of elections of members of parliament. The High Court can decide both criminal and civil cases. The High Court has the power in criminal cases to sentence a person up to death. It also has various specialized divisions such as land division, family division, anti-corruption division, and international crimes division.

The Principal Judge heads the High Court. There are currently 61 High Court judges. High Court sits and is responsible for deciding cases for a particular region or district often referred to as circuits.

## Magistrates Courts

These are the most accessible and used courts in the country and all districts have a Magistrate Court. They comprise of the following levels of Magistrates:

- **Chief Magistrate** The Chief Magistrate has powers to hear criminal and civil cases. In hearing civil cases, the powers of the Chief Magistrate shall extend to the hearing of cases whose money value does not exceed fifty million shillings (UGX 50 Million). In criminal matters, the Chief Magistrate has powers to decide any case except those punishable with death. In cases involving customary law, the powers of the Chief Magistrate are not limited to any amount of money.
- **Magistrate Grade I** Magistrate Grade 1 can only decide civil cases whose monetary value does not exceed Twenty million shillings (UGX 20 Million). In criminal cases, a Magistrate Grade 1 has the power to decide any case except those whose maximum punishment is death or life imprisonment. The power of the Magistrate Grade I, is limited to deciding cases that are punishable by a sentence not exceeding ten years. (10). In cases involving customary law, the powers of the Magistrate Grade 1 are not limited to any amount of money.
- **Magistrate Grade II** This level of Magistrates is gradually being phased out. S/he may try any offenses such as rioting, threatening violence, abuse of office, etc. Magistrate Grade II cannot impose a sentence of imprisonment exceeding three years (3) or a fine exceeding five hundred thousand shillings (UGX 500,000) or both such imprisonment and fine.

## The Local Council Courts

Local Council Courts (LC) are under the supervision of Chief Magistrate on behalf of the High Court. LCs are elected for a term of 5 years, by their local communities often under an umbrella of a political party.

Decisions of the LC courts are supposed to be reached by consensus or by majority vote. Advocates have no right to represent a person in these courts except when the case concerns a bye-law.

*Figure 2 - LC Court in Session*



**LC court must:**

- Be orderly
- Have a quorum, which is the minimum number of people required to be present in order to hear a matter before this court
- Allow witnesses if someone is being accused.

The **minimum number of people** who must make up the court is also set by the law as follows;

- In the case of a Local Council I [at the village level], the quorum is [5] five members including the person presiding; and [2] should be women.
- In the case of a Local Council II [at the parish level], the quorum is [5] five members including the person presiding; and [2] should be women.
- In the case of Local Council III [at the town, division or sub-county level], the quorum is [3] three members including the person presiding, [1] one of whom shall be a woman. Unlike LC I and II, LC III Court members are appointed by the Chairperson in consultation with the LC III Council.

Local Council Courts' powers are limited to deciding the following types of **criminal cases**:

- Fighting and causing commotion;
- Being idle and disorderly;
- Beating up somebody in a way that does not cause very serious injuries;
- Theft;
- Intentionally and unlawfully damaging property that belongs to another person;
- Violence towards or abuse of another such as a child, partner, wife, husband at home.

Cases and matters of a **civil nature** which can be brought before and LC Court are:

- Failure or refusal to pay money owed;
- Disputes about contracts;
- Threatening someone with the act of making physical contact with him or her;
- Taking property of another without permission to do so (for instance, Joseph cuts down a tree belonging to Betty );
- Damage to the property of another;
- Entering another person's property without their permission.

**Note:** In all cases stated above, LC Courts cannot decide cases where the value of the property in dispute or the damage caused or the value in recognition of loss, suffering, or injury incurred is over 2,000,000 Uganda Shillings.

LC Courts have also got powers to decide customary law issues such as:

- Disputes in respect of land held under customary tenure (handled by only LC II Court);
- Disputes concerning marriage, marital status, separation, divorce, child negligence or the parentage of children;
- Disputes relating to the identity of a customary heir;
- Transfer of personal property by one party into the possession, but not ownership, of another party for a particular purpose.

LC Courts can also make orders for;

- Restoration of relations;
- Compensation;
- Return of something lost or stolen to its proper owner;
- Community service;
- Apology; or
- Caution.

### Other Subordinate/Specialized Courts

The Consitution gives Parliament power to create courts that are subordinate to the Supreme Court, Court of Appeal and the High Court. In exercising this power,

Parliament created several courts and tribunals, whose work and powers we discuss here.

### **Tax Appeals Tribunals**

These tribunals were established purposely to deal with tax appeals, to provide the taxpayer with an easily accessible, efficient and independent settlement of tax disputes with Uganda Revenue Authority.

The Chairperson of the Tribunal is appointed by the Minister of Finance, Planning and Economic Development, in consultation with the Chairperson of the Judicial Service Commission. He or she must be a person of high integrity and one qualified to be appointed a Judge of the High Court.

The tribunal is composed of 5 members including the Chairperson. The other 4 members are appointed by the same Minister. Members of the Tribunal must be of high moral character and proven integrity; not been convicted of any offense involving moral turpitude; qualified in taxation, finance, accounting or law. An officer of the Uganda Revenue Authority or a civil servant cannot be members of the tribunal.

Any person who disagrees with a tax decision made by the Uganda Revenue Authority may apply to the tribunal for a review of the decision. The tribunal has the power to review any taxation decision in respect of which an application is properly made. In carrying out its functions, the Tribunal must be independent and not subject to the direction or control of any person or authority.

A minimum of 3 members of the tribunal must hear any complaint regarding a tax assessment.

A taxpayer who challenges a tax assessment must pay 30% of the tax assessed or that part of the tax assessed not in dispute, whichever is greater, pending resolution of his or her case by the Tribunal.

In the case of perishable goods, the goods must be released to the taxpayer immediately after payment of the amount of tax prescribed in that subsection; but the Uganda Revenue Authority shall be given surety equivalent to the amount of tax assessed.

An application to the Tribunal for review of a taxation decision must:

- a) be in writing in the prescribed form;
- b) include a statement of the reasons for the application; and
- c) be lodged with the tribunal within thirty days after the person making the application has been served with notice of the decision.

A tribunal can, upon application in writing, extend the time for the making of an application to the tribunal for a review of a taxation decision.

Any person or body who is dissatisfied with the decision of the Tribunal can appeal such a decision to the High Court within thirty days after being notified of the decision.

**You can contact the Tax Appeals Tribunal at Plot 3, Pilkington Road, NIC Building, Eighth Floor P.O. Box 7019 Pilkington Rd, Kampala. Tel: 041 423 2865**

## **Industrial Court**

This court was set up for purposes of resolving disputes between employers and employees.

It is composed of 5 members:

- Chief Judge
- A Judge
- An independent member
- Representative of employers
- Representative of employees

Strict rules of evidence do not apply in this court. This is because an employee, who often has little knowledge of the law and in most cases may not afford to hire a lawyer, would be disadvantaged in proving his or her claim or case against an employer.

The Industrial Court accepts cases brought to it as a first time complaint, as well as appeals. This means that it can decide cases of a labor nature on appeal from decisions made by a labor officer, or cases or claims brought to it directly.

## **Employment / Labour Case Process**

### **Step 1:**

If you are unhappy about a labor or employment matter, you can complain to the Labour Officer in your district. The labor office is usually located at the district offices where the Community Development Officer (CDO) sits.

### **Step 2:**

- a) You make a request to the Labour Officer to help in the dispute to bring about an agreement or repair your relationship with the employer;
- b) The Labour Officer is required to make a decision within 90 days;

- c) If no decision is made in 90 days, you can appeal to the Industrial Court;
- d) The Labour Officer must give reasons for the decision he/she has made;
- e) The Labour Officer must also give reasons for not deciding within 90 days;
- f) You may also ask a Labour Officer to refer your case to the Industrial Court.

### **Step 3:**

- a) If the Labour Officer does not send your case to the Industrial Court, you can contact the Industrial Court;
- b) When your case is received by the Industrial Court, the Registrar will notify you and the employer;
- c) Within 7 days of receiving the notice from the Registrar of the Industrial Court, you have to send a statement of claims or an explanation of your case to the Industrial Court and also your employer;
- d) Your employer is required to reply to your statement of claims within 7 days of receiving it;
- e) You and your employer must send to the Industrial Court 6 copies of each document that you will use as evidence;
- f) The Registrar will choose a date when the Industrial Court will hear your case and inform you and your employer.

### **Step 4:**

- a) You and your employer will be required to promise that you will tell the truth to the Court and you will be asked to place your hand on the book of your faith (Bible/Qur'an)
- b) The Court will hear all the evidence from you and your employer;
- c) The Court will then make a decision or judgment, based on the evidence. The decision or judgment of the Industrial Court is known as an "Award";
- d) Any person against whom an Award is made must obey it.
- e) If your employer fails to obey the order you should seek further advice from a Legal Aid Provider or Lawyer or Advocate.

## **Military Courts**

These Courts are judicial bodies of the military created according to the military code. They are set up to hear and prosecute failures to obey the Military Code of Conduct including acts by soldiers arising from an act of indiscipline.

The offenses tried by the Military courts are called service offenses; these are offenses committed by military personnel while in service in Uganda or abroad. The army is organized in a very different way from civilian courts and therefore the military court system is designed for the enforcement of military discipline.

Trials before military courts are public, however, the public may be excluded for reasons of public safety, morals or defense.

## Hierarchy of Military Courts

There are six (6) levels within the Military Court ranging from the lowest level which is the Summary Trial Authority to the highest known as the Court Martial Appeals Court.

### Summary Trial Authority

The powers, makeup, and responsibilities of this court can be summarised as follows:

- It's headed by a Commanding Officer or an Officer in Command;
- The accused must be of a rank equal to or lower than that of the superior authority trying him;
- The Presiding Officer may not be a lawyer;
- Responsible for mainly minor offenses;
- Cannot pass a sentence of imprisonment exceeding six months;
- The offender must be either a junior officer or militant [non-commissioned officer];
- The accused is not entitled to legal representation; and
- The accused has a right to choose to be tried by the Court Martial.

### Unit Disciplinary Committee. This court:

- Comprises seven members including a Chairperson not below the rank of Captain;
- Tries only non - capital offenses;
- Must have a Paralegal, Secretary and Prosecutor;
- Can impose any sentence authorized by law;
- Is convened by either the High Command or the Division Commander; and
- Decisions are by majority opinion.

### Division Court Martial This court:

- Is made up of seven members;
- Is chaired by an officer, not below the rank of Major;
- Has unlimited jurisdiction [can try any offense under the law]; and
- Is appointed by the High Command and serves for a term of one year.

### Field Court Martial This is the third highest military court. It:

- Comprises nine members;
- Is appointed by the Commander in Chief;
- Can try any offense under the law; and
- Only works where trial by Unit Disciplinary Committee or Division Court Martial is not possible.

**General Court Martial** The powers, makeup, and role of this second highest military court can be described as below:

- The Chairperson of this Court must not be below the rank of a Lieutenant Colonel and must be an Advocate;
- It has six other members of specified ranks (two senior officers; two junior officers; a political commissar; and one noncommissioned officer) all of whom shall be appointed by the High Command for one year;
- The Court has also got a Secretary and Prosecutor;
- The Court may sit at any place in Uganda;
- It has the power to try any offense under the law;
- The Court hears appeals from the Unit Disciplinary Committee and Division Court Martials and has, therefore, the power to change decisions from those Courts; and
- The Court can hear a case of any person subject to military law.

**Court Martial Appeals Court.** This is the highest military court. The Court Martial Appeals Court:

- Consists of a Chairperson qualified to be appointed a Judge of the High Court;
- Has two senior Officers of the defense forces;
- Has two advocates who are members of the defense forces;
- Must have 5 members to hear any appeal where the punishment for committing an alleged offense is death;
- In any other appeal where the punishment is not death, must have 3 members to hear the case; and
- Is the final court of appeal in the military court process.

### **Key points to note about military courts**

- The Uganda Peoples' Defence Force Act provides for circumstances under which civilians, that is ordinary citizens not in the army, can be tried under military courts. These are:
  - The civilian helps a soldier in committing of a service offense.
  - The civilian is found in possession of arms, ammunition or equipment usually found only in the possession of or the monopoly of the defense forces. Civilians are therefore cautioned and warned not to possess such material.
- The Police or the Office of the Director of Public Prosecution can not take a civilian to the military courts.
- The powers of military courts are limited to trying people subject to military law.
- Military court often hears cases relating to the performance of military services but can also hear cases where a soldier is claimed to have committed an offense under the Penal Code Act.

## JUDICIAL SERVICE COMMISSION

This Judicial Service Commission was created by the Constitution of Uganda. Its **duties** are:

- To advise the President on appointments, disciplinary control, and removal of the Chief Justice; Deputy Chief justice; Principal Judge; Justice of the Supreme Court; Justice of the Court of Appeal; Judge of the High Court; Chief Registrar and Registrar;
- To appoint, confirm, discipline and remove from the office of the Deputy Registrar, Assistant Registrars, Chief Magistrates, Magistrate Grade 1 and Magistrate Grade 2;
- To appoint, confirm, discipline and remove from office the staff of the judiciary such as clerks;
- To review and make recommendations on the terms and conditions of service of judicial officers;
- To carry out programs for the education of both the public and judicial officers about the law and the administration of justice;
- To receive and process people's recommendations and complaints concerning the Judiciary and the administration or management of justice; and
- To advise the Government on improving the administration of justice.

As part of its roles to educate and distribute information to judicial officers and the public about the law and the administration of justice, the Commission undertakes the following **programs and activities** :

- Sensitization of members of the public at barazas, conferences or meetings on topical matters of public interest and concern.
- Education visits to universities, tertiary institutions, schools, colleges, and other institutions.
- Prison visits to meet with inmates.
- Performance management meetings with judicial officers and staff of the judiciary.
- Radio and television talk shows.
- Radio jingles and other presentations of educational materials.
- Publication of the Citizens Handbook on Law and the Administration of Justice and its translation in the various languages in the country.
- Court inspections and interacting with court users and other stakeholders.
- Interaction with other local and international NGO's undertaking similar objectives and activities.
- Explain and simplify court processes and procedures for all to understand.
- Support public engagement platforms.
- Distribute educational materials on law and administration of Justice.
- Offer its Resource Center to the public to get legal information.

Every citizen is invited to attend and participate in any of the Commission's activities and programs. The knowledge shared during such events is useful for claiming

rights, understanding responsibilities and seeking suitable remedies.

The Judicial Service Commission Regulations set out the **offences of indiscipline** that a judicial officer can be penalized for if he or she does all or any of the following;

- a) Conducts himself or herself in any manner damaging the good image, honor, dignity, and reputation of judicial service;
- b) Practices discrimination or corruption, whether for personal advantage or gain or that of any other person;
- c) Practices favoritism whether based on sex, race, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability;
- d) Is a habitual late comer, or absents, or absconds from duty without reasonable excuse;
- e) Is disobedient to authority, rude, abusive, and disrespectful or uses vulgar language;
- f) Is lazy and or produces poor standard work;
- g) Is not trustworthy or lacks integrity in public or private transactions;
- h) Engages in private interests at the expense of his or her official duties;
- i) Discloses official information to unauthorized persons;
- j) Acts in contravention of the Code of Judicial Conduct, the Judicial Oath or any other oath taken by the judicial officer;
- k) Is convicted of a criminal offense by a court of law;
- l) Disregards the authority in his or her place of employment without reasonable excuse;
- m) Abuses judicial authority; or
- n) In any way contravenes any provision of the law, Uganda Government Standing Orders or any other instructions relating to the discipline of judicial officers.

You can help the Judiciary and the Judicial Service Commission to hold Justices, Judges, Magistrates, Registrars, Clerks and other court staff to account. You can help your family, community and your country by monitoring and taking note of judicial officers serving in your areas, and find out whether they have committed any of the said disciplinary offenses over some time.

Document the date, time and location and the names and addresses of any witnesses that may have witnessed such offenses, and keep the evidence. It is advisable to organize and form Citizen's Court User Committees or Court Watch Groups to monitor service delivery in the judiciary and its impact on the community and its citizens and residents.

It is important to report any violation without delay so that the evidence of such a violation is not lost, destroyed or before the witnesses to such a violation are compromised or scared.

You must report to the Commission, any offense committed by a judicial officer for

investigation. If they are found to be at fault, they will face disciplinary proceedings and punishment.

The Commission may impose any one or more of the following penalties on a Justice, Judge, Magistrate, Registrar, Clerk or other court staff who has been found to have committed an offense:

- a) Dismissal;
- b) Suspension;
- c) Reduction in rank;
- d) Order for a written undertaking from the officer not to repeat the offense;
- e) Reduction in salary;
- f) Stoppage of salary increments; meaning the judicial officer will be denied any salary increments;
- g) Deferment of increments; meaning that any increment of salary or allowance due to the judicial officer will not be paid to him or her immediately but will be postponed or delayed to a later date;
- h) Severe warning;
- i) Warning;
- j) Order payment of compensation;
- k) The recovery of the cost or part of the cost of any loss or damage caused by default or negligence, whether by deduction from salary or gratuity or otherwise.

**Note:** In case the Judicial Service Commission finds that the misconduct of a Justice or Judge necessitates removal from office, the Commission recommends to H.E. The President of Uganda to put together a Tribunal to inquire into the alleged misconduct.

### **Do not fear to make a complaint against any Justice, Judge, Magistrate, Registrar or Clerk**

You may report a judicial officer to the following persons that should forward your complaint to the Judicial Service Commission :

- a. The Chief Justice;
- b. The Chief Inspector of the Courts of judicature;
- c. The Resident Judge in the area;
- d. The Chief Magistrate in the area;
- e. The Inspectorate of Courts;
- f. Your local leader, such as civic leader, local counselor, faith leader, Member of Parliament, police, or elder;

Or directly to

**Judicial Service Commission Lotis Towers, 6th, 7th, and 8th Floors Plot 16,  
Mackinnon Road, Nakasero. P. O. Box 7679 Kampala, Uganda**

**Tel: 256-414 344 154.**

**Toll Free Lines: 0800100221 / 0800100222**

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**NOTE:** The judiciary and Judicial Service Commission has Zero Tolerance to Corruption. Any Judicial officer who commits any acts of corruption, improper conduct, or neglect of duty or maladministration of justice, must be reported to the Commission for investigation and disciplinary action.

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## **OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

The Office of the Director of Public Prosecutions is a Government body created by the Constitution of Uganda. This office mainly takes criminal cases to the courts. While any person may also take a criminal case before the courts, the Director of Public Prosecutions can take over such a case and continue it, or stop it. This office must, however, get permission from the court to stop a criminal case taken to the court by a person.

State Attorneys or State Prosecutors are workers of the Office of the Director of Public Prosecution. They have offices in most parts of the country.

While carrying out its duties, the Office of the Directorate of Public Prosecutions must take into account the interest of the public and administration of justice and must not misuse the legal process.

If you report a case to the police, and you are not satisfied with the way it has been handled, or where you feel that you are being taken to court in criminal matter because of malice, ill will or hate, you can complain to a State Attorney or State Prosecutor or directly to the Office of the Director of Public Prosecutions.

Any accused person who wishes to enter a plea bargain, or who is dissatisfied with the way his case or her case has been handled can also contact a State Attorney, State Prosecutor or the Office of the Director of Public Prosecutions.

For more information about the **Office of the Director of Public Prosecutions** **contact:**

**Plot 1 Pilkington Road P.O. Box 1550 Kampala, Uganda**

**Tel: +256 794332040, +256 794332041 Website: [www.dpp.go.ug](http://www.dpp.go.ug).**

*Figure 3 – Office of the Director of Public Prosecutions (ODPP).*



## UGANDA POLICE FORCE

The Uganda Police Force is another Government body created by the Constitution of Uganda. The head of Uganda Police is the Inspector General of Police who is assisted by the Deputy Inspector General of Police.

Police officers must be of good character and nationalistic, patriotic, professional, disciplined, competent and productive when carrying out their duties.

The Police has as its main duties to keep law and order, as well as protect life and property. Many of us may have had to deal with the Police as they carry out their duties.

You must report every crime to the Police. You must also help the Police in carrying out its investigation.

### **Powers of Uganda Police Force to Carry Out Arrests**

In exercising its powers to maintain law and order, the Police often carry out arrests and detention of suspects. Several rules govern how the Police should arrest and detain suspects and which are also rights of an arrested or detained person. These are:

- A person who has been arrested, detained or restricted must be kept in a place authorized by law - this means at a police station or at a place declared by the Government as one for keeping arrested persons;
- A person arrested, restricted or detained must be informed immediately in a language that he or she understands, of the reasons for the arrest, restriction, or detention and of his or her right to a lawyer of his or her choice;
- a person who has been arrested or detained shall, if not earlier released, be brought to court as soon as possible but in any case not later than 48 hours from the time of his or her arrest, and;
- Where a person is detained or restricted:-
  - the next of kin of that person shall, at the request of that person, be informed as soon as practicable of the restriction and detention;
  - the next of kin, lawyer and personal doctor of that person shall be allowed reasonable access to that person; and
  - that person shall be allowed access to medical treatment including, access to private medical treatment at the request and cost of that person.

The above mentioned responsibilities and duties are imposed on the Police in order to protect an arrested or detained person's right to liberty.

### **Arrest With and Without a Warrant.**

The general rule is that a Police Officer should not carry out an arrest without first obtaining an arrest warrant from a court. However, there are instances when an officer can arrest a person without an arrest warrant. These are:

- When a police officer reasonably suspects that a person has committed an offense which on conviction is punishable by a term of imprisonment for one year or more, or a fine exceeding four thousand Uganda Shillings or an offense under Chapter XVI of the Penal Code Act which the law allows one to be arrested without a warrant (for example the offense of being idle and disorderly);
- Where a person commits a breach of the peace in the presence of the police officer;
- When a person prevents a Police Officer from executing his or her duties;

- When a person escapes or attempts to escape from lawful custody;
- Where the person is reasonably suspected to be a deserter from the Uganda People's Defence Forces;
- When a Police Officer suspects that he or she has or is about to commit an offense which on conviction is punishable for a term of three or more years;
- Where a person who is reasonably suspected to have committed an act in any place out of Uganda which if the said act is committed in Uganda would be an offense, and which under any law that person is liable to be arrested in Uganda;
- When a person has in his or her possession an implement or tool of housebreaking;
- Where it is reasonably suspected that a warrant of arrest has been issued in respect of a particular person; and
- When anything found in the possession of a person is reasonably suspected to have been stolen, or that a person has committed an offense in respect to that thing.

### **How an Arrest is Conducted**

Unless there is submission to the arrest by word or action, a Police Officer arrests by touching or confining the body of the person being arrested.

If a person being arrested attempts to resist the arrest, the police officer or person making the arrest is permitted to use all reasonable means necessary to effect the arrest. However, this is not an excuse of using excessive or unreasonable force.

### **Meaning of Reasonable Force**

Generally, reasonable force means necessary force but not more. For force to be reasonable, it must not be more than what is needed to carry out an arrest. For example, if the suspect is fighting the Police, the Police may use force to stop or subdue or calm the suspect but must not beat the suspect.

### **Powers to Search**

The Constitution guarantees the right to privacy in several ways. It provides that no person shall be unlawfully searched and neither should his home or other property. It further states that a person's premises shall not be liable for unlawful entry by others. Furthermore, it directs that no person shall be subjected to interference with the privacy of that person's home, communication or other property.

There are however instances when a person or his home may be searched. The general rule is that a person's home or property is not supposed to be searched except where a court order permits. This is usually issued after a Police Officer has reason to believe that there is material evidence in a person's home which supports the commission of an offense.

It should also be noted that these searches should be made between sunrise and sunset of any day unless the court which issued the warrant decides otherwise.

A Police Officer has the authority to search any person who has been arrested and may take possession of anything found on that person which might reasonably be used as evidence in any criminal case. However, a woman can only be searched by a fellow woman with strict regard to decency.

### **Complaints Against the Police**

Whereas a Police Officer has the authority to carry out his or her duties, the powers of a Police Officer are not absolute and are subject to the law. As such, where a person feels that the police is acting in a way contrary to the law, there are two options that they can undertake namely, the legal option or the administrative options.

#### **The Administrative Options**

Every Police Officer has a particular rank. A lower rank is supervised by a higher rank. As such, a Police Officer who behaves in an illegal or unprofessional manner can be reported and is answerable to a higher-ranked Officer. For example, in the event that a Sergeant asks for a bribe in order to release a suspect on police bond, the matter should be reported to the Officer-in-Charge Criminal Investigation Division (OC CID), or Officer-in-Charge of the Station, or District Police Commander (DPC), or the Regional Police Commander (RPC).

Besides, the Uganda Police Professional Standards Unit deals with misconduct or neglect/non-performance of duty among the members of the police. It has powers to take disciplinary measures against Police Officers. You can make a complaint to the Uganda Police Professional Standard Unit against a Police Officer for violation of human rights, unprofessional conduct, report bribery, corruption, oppression or intimidation by an officer, neglect or non-performance of duties.

You may make a complaint by filling Police Form 105 which is available on-line at <https://www.upf.go.ug/complaints/>.

You can contact Uganda Police Professional Standards Unit by calling telephone numbers 0800300119, calls to this number are free or in person at:

**Uganda Police Professional Standards Unit Plot 1303 Serumaga Road, Bukoto, Kampala, Tel No. 0800199199, 0800199299, 0800200019  
e-mail: [psuhqrtrs@yahoo.com](mailto:psuhqrtrs@yahoo.com)**

You can also contact the Inspector General of Police and the Deputy Inspector General of Police at:

**Uganda Police Force Headquarters Katalima Road, Naguru, Telephone Number: 041423381/ 414259613/414255630**

### **The Legal Optio**

The law requires the Police to use reasonable force when carrying out an arrest. It also requires the Police to bring a person before the court of law within 48 hours of arrest or grant that person bond, which is free.

If a Police Officer acts in excess of his power, he or she can be challenged in courts of law. So in the event that a person is held at police for more than 48 hours without being released or taken to court, that person's relatives or lawyer can apply to a court for an order to release the suspect.

***Figure 4 – Arrest by Uganda Police Force***



## UGANDA LAW SOCIETY

Uganda Law Society is an organization for all advocates or lawyers who represent you in the courts of Law. The Law Society works to protect and assist the public in Uganda in all matters relating to the law, and to better the standards of conduct and learning of lawyers in Uganda.

Uganda Law Society Legal Aid Project offers free legal advice and support services to the poor and needy, who cannot afford to pay a private lawyer. These Legal Aid offices are located in Gulu, Kabarole, Masindi, Arua, Kabale, Jinja, Mbarara, Moroto, Kotido, Luweero and Patongo.

The Law Society can also assist you to find a lawyer that can assist you with your case, free of charge, or to whom you can pay a small fee that must be receipted. If you need legal advice and support, contact the Uganda Law Society at:

**Plot 610, Ntinda along Wamala Road, off Ntinda-Kisaasi Road. P.O. Box 426  
Kampala. Tel: 0414 342424 / 0200923406 Email:uls@uls.or.ug Website:  
www.uls.or.ug**

If you are unhappy about the services or behavior of an advocate or lawyer you can report the matter **to the Uganda Law Council at Georgian House, 7th Floor Kampala, Tel: 0414 341673 Email:info@lawcouncil.go.ug .Website: https://lawcouncil.go.ug.**

## UGANDA PRISONS SERVICE

Uganda Prisons Service provides reasonable, safe, secure and humane custody of suspects and offenders as well as rehabilitation.

The Administrative head of the Uganda Prisons Service is the Commissioner General of Prisons who is deputized by the Deputy Commissioner General.

If a person is found guilty of committing a crime, he or she may be subjected to a variety of punishments as provided by the law. These include imprisonment and in some cases, death. Where the punishment is imprisonment, such persons are kept in a prison for safe custody. Prisons focus on retribution, incapacitation, deterrence, and rehabilitation of convicted persons so that at the end of their term in prison, they are reformed and can be responsible members of society.

*Figure 5 – A convict in Prison*



### **Obligations of Uganda Prisons Service**

#### **The Uganda Prisons Service is required to do the following:**

- Observe and protect the human rights of prisoners;
- Provide proper, safe and secure living conditions for prisoners. This means that every prisoner should be kept in humane, safe custody;
- Rehabilitate and reform prisoners through specific training and educational programs like vocational training skills to inmates.
- Facilitate the re-integration or successful return and acceptance of prisoners into their communities;
- Ensure that prisoners are produced before courts of law when required; and
- Identify convicted prisoners who have conducted themselves well while in prison and who qualify for reduction or remission of their sentences.

Courts are responsible for ordering suspects and offenders into the custody of the Prison Service. Not all persons in the custody of Uganda Prisons Service have been sentenced. Some are still waiting for the courts to decide their cases. These are known as remand prisoners.

The law provides for the treatment of the different types of inmates. For instance, an unconvicted inmate may be kept apart from convicts while a prisoner under sentence of death shall not have access to the public without a written order from the Commissioner General.

## Custody Principles

In detaining inmates, three main custody principles must be observed by Prison Authorities. These are:

- Remand prisoners are presumed to be innocent and shall be treated as such.
- Men and women shall as far as possible be detained in separated prison units. In a prison facility that receives both men and women the whole of the premises allocated to women shall be entirely separate.
- Children shall not be admitted and kept in prisons as they are meant to be in established rehabilitation centers.

## Rights of Prisoners

On conviction or remand, inmates do not lose all their rights. Inmates retain the rights to:

- Information on prisons rules, activities and regulations e.g. how a prisoner is expected to conduct himself, how to relate with staff and other prisoners, how s/he can be visited, the role of social workers and how they can be accessed, when they are supposed to attend court, appeals, possible dates of release, mechanisms for complaints;
- Be treated with respect due to the inherent dignity and value as a human being;
- Not be discriminated against on the grounds of race, color, sex, language, religion, political or other opinions, national or social origin, property, birth or another status;
- Freedom of worship, whenever conditions allow;
- Take part in cultural activities and education aimed at the full development of the human personality;
- Undertake meaningful paid employment;
- Make contact and remain in touch with their family members, relatives, and friends. The responsibility to assist prisoners make contact with the outside world lies with the social workers or officers in charge of the prison;
- Have access to the health care services available in the country without discrimination due to their status as prisoners;
- Protection from carrying out certain activities if one is suffering from HIV / Aids, or other similar disease or pregnancy;
- Protection against any form of abuse from either staff or fellow prisoners like sexual abuse, rape, torture, denial of food, drugs or medicine, sleeping space, etc; and
- Participate in the prisoner's human rights committee activities.

The law allows Uganda Prisons Service to make rules in respect of the management, security and good order of prisons; as well as the safe custody, welfare and privilege of prisoners. Therefore, if you wish to visit a person under the custody of the

Uganda Prisons Service, you may be asked to follow certain rules such as observing specific visiting times or refrain from carrying certain items into the prison. Below we describe some of the rules of the Uganda Prisons Service.

### **Visitation Rights**

All prisoners have the right to be visited following scheduled visiting hours. It is therefore important that visitors know and observe visiting hours and procedures for each prison. These procedures are provided at the entrance of every prison.

Visitors allowed by law to visit prisoners include relatives, friends, and voluntary visitors. Relatives include; wife, husband, children, siblings while voluntary visitors include the prisoner's lawyers, Non-Governmental Organizations, Care officers, members of the clergy, and religious teachers.

Besides relatives and friends, prisoners have the right to be visited by their lawyers and personal doctors.

Other types of visitors such as researchers require special authorization from the Commissioner General of Prisons.

### **Confidentiality when Speaking to Lawyers and Doctors**

Prisoners have to speak with their visitors in the hearing of a prison official. However, prisoners have the right to talk to their lawyers and personal doctors without prison officials being present.

### **Visiting Hours**

Generally, a prisoner can be visited on any working day- Monday – Friday between the hours of 8.00 a.m. and 5.00 p.m.

However, each prison is allowed to make its regulations regarding visitation and therefore have different visitation schedules.

### **Procedures for Visitors**

**Step 1:** A visitor is required to identify him or herself at the main gate of the prison and allow to be searched before entering the prison premises, following which they are directed where to go.

**Step 2:** A visitor is required to present their identification at the reception, register and provides the names of the prisoner they wish to visit.

**Step 3:** Once the inspecting Prison Officer is satisfied that the visitor has complied with prison rules and conduct, the visitor will be allowed to see the prisoner for a specified period, under the supervision of a Prison Officer.

**Note:** Personal effects and items carried while visiting a prisoner are subjected to a search. Cooked food and weapons of any kind are prohibited at the prison. There is also a strict dress code for visitors. Female visitors are prohibited from wearing mini dresses, skirts or trousers. Male visitors are also not allowed to come in shorts or vests.

### **Visits to Murchison Bay Reserve**

The Murchison group of prisons has a special status amongst other prisons. It includes the country's Maximum Security Prison, Luzira Upper Prison, Women's Prison, Murchison Bay Prison, Kampala Remand Prison. The general rules governing prison visits, may, therefore, not apply to the Murchison Bay.

The official visiting days for Murchison Bay. Are:

1. Luzira Upper Prison - Monday, Wednesday and Friday.
2. Kampala Remand- Monday to Friday
3. Luzira Women- Tuesday and Thursday.
4. Murchison Bay- Tuesday, Wednesday and Thursday.

Weekends and Public holidays are not visiting days. However, in exceptional cases, visits on weekends and public holidays may be allowed with authorization from the Commissioner General of Prisons. Relatives who wish to visit must know the offense their prisoner is charged with or the reason for the prisoner's imprisonment and the stage at which the case is, and if possible, the court that sent the inmate to prison. This information is most critical especially for Murchison Bay Group of Prisons Luzira because it enables quick identification of the inmate and where they are held.

### **Working as an Inmate**

The Prisons Service runs farms and carpentry store that help train, rehabilitate and reform prisoners by imparting various skills to inmates which on release will enable them to transform into responsible law abiding citizens.

Prisoners on remand for criminal cases are supposed to carry out minor duties like cleaning their utensils and surroundings and to exercise for health reasons. They are not to be subjected to forced labor. They may also be given other work upon their request.

On the other hand, every convicted prisoner is required by law to engage in useful work taken as part of the rehabilitation process, and it must be remunerated.

A prisoner can only be made to work after being certified as fit by a Medical Officer. The work engaged in must be for the good of the public and not for the benefit of a private individual or concern.

### **Inmates Medical Care**

Prisoners have the right to good medical care. Upon arrival at the prison, all inmates must be medically examined and their state of health record kept. A prisoner is not allowed to mix with others until he or she has been medically examined. HIV positive prisoners have access to HIV care and are provided with a special supplementary diet.

Prisoners also have the right to private medical treatment if they can pay for it. However, permission to receive such treatment must be sought from the Commissioner General of Prisons through the O/C Prisons.

Pregnant women prisoners are required to receive antenatal medical care and may only be subjected to work when found to be medically fit. They have a right to a special diet.

The children of female prisoners, born or brought to prison because of being under age are entitled to free medical care.

### **Prisoners Sentenced to Death**

Prisoners sentenced to death (condemned prisoners) are kept separate from other prisoners. They are entitled to visits from their relatives and spiritual or religious leaders.

A condemned prisoner may not receive more than three visitors at a time but is allowed to write and receive letters from friends and relatives.

All condemned prisoners are allocated 2 hours for exercise a day. Condemned prisoners who are executed in the prison are buried by the Government.

Bodies of condemned prisoners who die before they are executed as well as bodies of other prisoners may be claimed by their relatives and taken for burial at their own cost.

Unclaimed bodies are disposed off (buried) by the Government.

When a prisoner dies, post-mortems are always carried out regardless of how the prisoner died.

### **Powers of a Prison Officer**

A Prison Officer has similar powers, protection, and privileges of a Police Officer within a prison or while in charge of prisoners for transferring any person to or from prison and to apprehend any prisoner who may have escaped or attempted to escape from lawful custody.

Prison officers are responsible for the welfare of the inmates and, therefore, in carrying out their duty, as far as possible may use non-violent means before resorting to using of force.

### **Handling of Complaints of Prisoners**

The law requires that every prisoner on admission be provided with written information regarding:

- Regulations of treatment of prisoners
- The disciplinary requirements of the institution;The authorized methods of seeking information;
- What to do in case an inmate has a complaint; and
- All other matters that are necessary to enable a prisoner to understand both his or her rights and obligations.

The law allows an inmate to petition the President through the Commissioner General of Prisons. The petition must be in a written form, An inmate may make a complaint to a Visiting Justice, the Commissioner General of Prisons, the Regional Prisons Commander, the Officer-in-charge of Prison. The law provides for the appointment of visiting justices to visit prison who are at any time of their choice, inspect a ward, cell, separate cell, yard, and any other room or part of a prison to which he or she is appointed.

Visiting justices can hear any complaint which an inmate may wish to make to him or her and can especially inquire into the condition of those prisoners who are undergoing punishment. The Visting justices can forward complaints received from inmates to the Commisioner General. You can contact Uganda Prison Service at:

**Plot 13/15 Parliament Avenue, Kampala. Tel: 414 342136 Tel: 414 256751  
Tel: 414 343330 Website:<https://prisons.go.ug>. Email: [info@prisons.go.ug](mailto:info@prisons.go.ug)  
Facebook: <https://www.facebook.com/UgandaPrisons/>  
Twitter: [https://twitter.com/UgandaPrisons\[f1\]](https://twitter.com/UgandaPrisons[f1]) Toll free line 0800144144**

## Offenses by Prisons Officers

Misconduct of a Prison Officer must be reported to the Officer-in-Charge (OC) of the prison or the Regional Prison's Commander (RPC). These are some of the examples of reportable offenses:

- Corrupt practices, that is to say if a Prisons Officer solicits or receives any bribe;
- Failure to account for or to make a prompt and true return of any money or property received by him or her in an official capacity; testimonial, without the consent of the Commissioner General;
- Receives any fee or gratuity from or having any business dealings, with visitors to prison; or improperly uses his or her character and position as a member of the service for his or her private advantage; or
- Writes, signs or gives without the sanction of the officer in charge any testimonial or character or other recommendation with the object of obtaining employment for any prisoner or another person;
- Traffics with prisoners; exchanging prohibited articles with prisoners like cigarettes, alcohol, drugs, weapons of any kind or money;
- Allows unauthorized persons to communicate with prisoners, or brings tobacco or spirituous or fermented liquor or any other prohibited articles into a prison;
- Uses any unnecessary violence to any prisoner; and
- Is uncivil or uses improper language, to any member of the public.

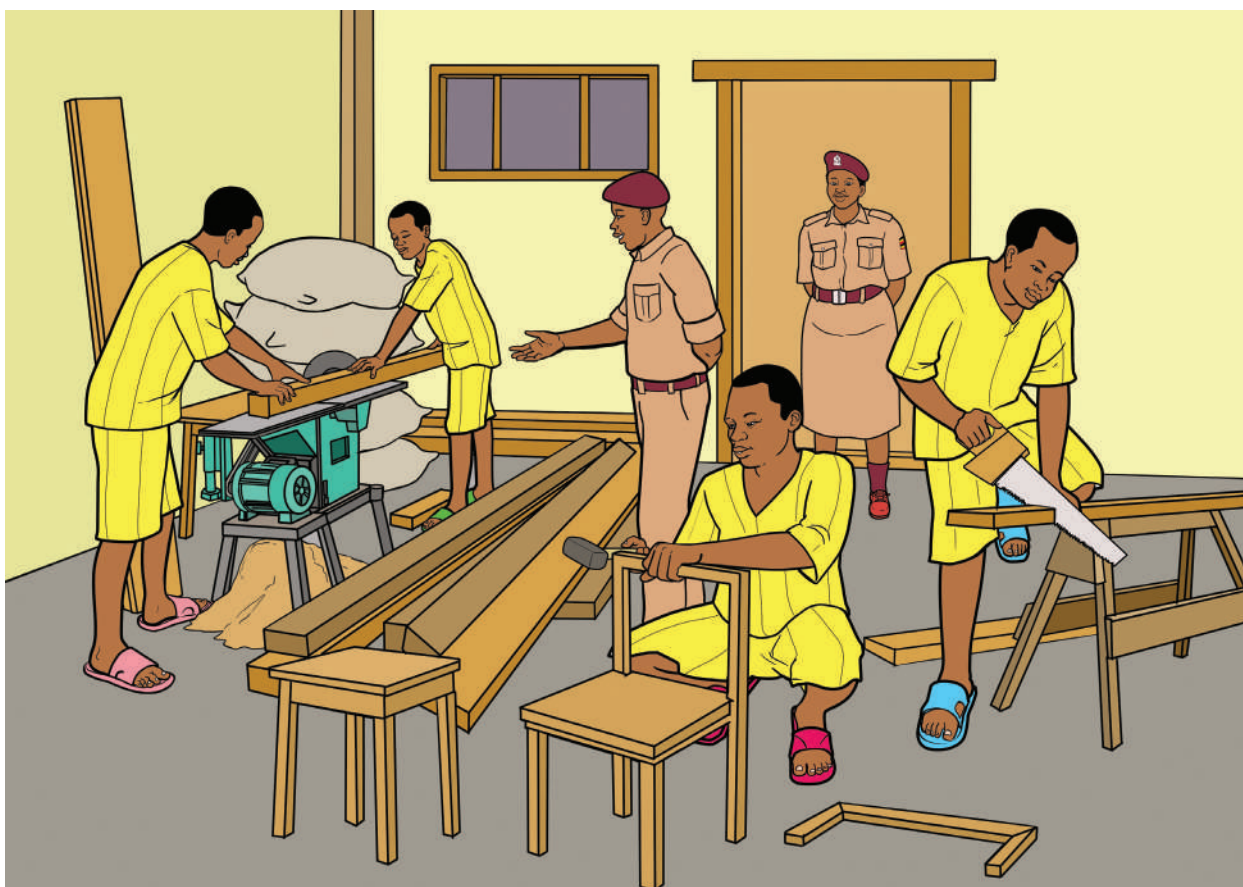
## Disciplining of Prison Officers

A Prison Officer above the rank of Senior Superintendent of Prisons is disciplined by the Prisons Authority. Disciplinary action for a Prison Officer below the rank of Senior Superintendent of Prisons is carried out by the Prisons Council. The Regional Prisons Commander and the Officer -in -charge have powers to handle disciplinary cases on behalf of the Prisons Authority or Prisons Council.

## Offenses by Prisoners

Prisons have regulations that guide prisoners during their stay in prison. The Regulations provide an elaborate list of both minor and aggravated prison offenses. All prisoners are provided with a copy of these regulations. There are penalties for all the offenses, once a prisoner has been found guilty of committing the offense.

*Figure 6 – Uganda Prison Service workshop*



### Frequently Asked Questions on Prison

**Question: Why are prisoners denied conjugal or marital rights to sex?**

**Answer:** The law does not provide for this. The denial of marital relations is also intended to prevent sexually transmitted diseases which could potentially spread throughout the prisons given the close proximity. Moreover, the already overpopulated prisons premises do not have sufficient space to accord couples the necessary privacy needed.

**Question Is hard labor legal within a prison?**

**Answer:** No, hard labor is not allowed within a prison. Prisoners carry out minor duties as part of their rehabilitation and exercise. As a result, many prisoners turn into farming once they have successfully served their sentences. The work they do is also partly gainful employment intended to supplement their income. Prison work prevents situations where prisoners are kept idle because an idle mind is often the devil's workshop. Being idle and disorderly in a prison setting is dangerous for peace and security.

**Question Why are prisoners not allowed to receive cooked food from visitors?**

**Answer:** This is a safety measure designed to protect prisoners because there is a risk that some unscrupulous and dishonest people could poison inmates or the food could be contaminated and if shared with other prisoners could cause a health-related breakout.

**Question Is there homosexuality in prison?**

**Answer:** It is an offense to practice any form of homosexuality. If such practice is discovered in the prison it is treated as an offense.

**Question Is it possible for female prisoners to get pregnant while in prison?**

**Answer:** No, a female prisoner can't be impregnated while she is in prison serving her sentence. The prisoners who are pregnant are those who are brought to prison when they are already pregnant or breastfeeding. As a matter of policy and strict regulation, all female prisoners are housed in a separate prison from male prisoners. Male staff are also not allowed to work in the women's prison. Female prisoners are managed and supervised strictly and exclusively by female officers. This is all done to ensure a safe and humane environment for women prisoners.

**Question How are children born in prison or who come with their mothers treated and catered for?**

**Answer:** It is only children who are below one and a half years (18 months) who are allowed to stay with their mothers. Once a child is over 18 months, the child is given over to the nearest relative or if there is no close relative the child is placed in foster care. Children are not prisoners and do not deserve to be in a prison setting for a long time. Children in prisons are treated with a lot of care and are provided with special food and adequate medical treatment.

## **PROBATION AND WELFARE DEPARTMENT**

The probation office is the government office that can help you resolve court matters, specifically those related to family issues and children's matters. Probation officers are trained, social workers.

More information about how the probation office works is provided under the chapter on child rights and family justice below.

*Figure 7 – A mother reporting a case to the Probation Officer*



## CHAPTER THREE

### ADMINISTRATION OF JUSTICE: A BRIEF GUIDE

#### Introduction

The process by which the legal system works is very complex. It, therefore, requires many years of study and training to fully understand the legal system. The laws also often change, therefore, one must keep finding out about the changes in the law. However, there are some basic rules in law and in the administration of justice that never change. These are important to know in a simplified form for all those accessing the legal system. There are also other responsibilities that the law imposes on you.

In this Chapter, we discuss the common things that you should know about how the law and the administration of justice work.

#### Systems of Law

Generally, there are 3 main systems of law in Uganda. These are civil law, criminal law, and human rights law

#### Criminal Law

Criminal law is a set of laws used to punish people whose conduct is considered to be a danger to society, property, life, morality, or safety. Since criminal law is a body of laws relating to society, the government or state takes responsibility for the trial of these offenses. All cases are brought in the name of Uganda or the state, e.g. Uganda vs John Friday Opego.

Children who are below the age of 12 are considered in criminal law to be too young to understand to be responsible for their actions and, therefore, cannot commit a criminal offense.

The person suspected of committing the crime is often referred to as the “accused”. The accused in every criminal matter is given an opportunity to defend themselves in court by providing evidence to challenge the charges made against them. The accused also has the right to remain silent because the Constitution declares every accused innocent until proved guilty.

In criminal cases, it is for the Government through the State Prosecutor or State

Attorney to prove the case against the accused person in a court of law. The Prosecutor/Attorney uses witnesses and exhibits in court to prove the case. The evidence must be strong enough not to leave a doubt in the mind of the Judge or Magistrate that the accused is the person who committed the offense. The Magistrate/Judge listens to both the arguments of the prosecution and the defense before he/she makes up his mind as to whether the accused is guilty or not.

### **Criminal Administration of Justice**

The purpose of the criminal administration of justice is to determine if a person committed the crime that they have been charged with. When the court finds the person guilty of committing a crime, the court usually can punish him in four ways:

- 1) Imprisonment
- 2) Fines
- 3) Community service (or a combination of 1 & 2 as determined by law)
- 4) Caution

Thus the main purpose of criminal justice is to punish the guilty person. A crime starts at the point at which it is committed. A person who is the victim of the crime or witness or anyone who suspects a crime has been committed or is about to be committed can report the crime. He or she becomes the complainant in a criminal matter. Ordinarily, a case should be reported to the nearest police station to allow the Police to act fast.

Once a criminal case is reported, the case is investigated by the Police. The Police will send the file to the Resident State Attorney (RSA). The RSA is the lawyer of the Government. S/he is the representative from the Office of the Director of Public Prosecution. S/he makes the decision whether the accused person shall appear before a Magistrate for prosecution or not.

### **Illustration of a Criminal Case**

Kitunzi and Owino have neighboring farms separated by a barbed-wire fence which was put up by Owino. Kitunzi without permission from Owino has cut down the wire fence. Owino is unhappy about this.

Kitunzi, after cutting the fence entered Owino's land and destroyed a banana plantation worth One Million Shillings (1,000,000/=). Kitunzi claims that the trees were planted on his land. Owino reported the matter to the local police post. Police officers arrested Kitunzi and after completion of investigations, sent the file to the State Attorney. The State Attorney approved the file and took the case before the Magistrate. The State Attorney used the evidence collected by the Police in court as well as the testimony given by Owino in court to prove to the Magistrate Grade 1

that Kitunzi committed the crime. Kitunzi exercised his rights and defended himself. However, Kitunzi was found guilty of cutting the fence and bananas (malicious damage to property) and wrongful entry into Owino's land (criminal trespass). Kitunzi was convicted of both offenses by the Magistrate and sentenced to imprisonment with a fine.

### **Possible Outcomes of a Criminal Case**

Several outcomes may result from a criminal case. These include:

- The case can be denied approval for prosecution by the ODPP especially where there is not enough evidence; This means the file will not be approved and, therefore, it will not go to court. The ODPP is the only one who can allow or approve a criminal case to go to court.
- The accused may be released on bond by the police pending further investigation or appearance in court.
- The accused may be released on bail by the court pending completion of a case.
- The accused may be found guilty and sentenced to a prison term or to both a prison term and a fine.
- The accused may be found guilty and sentenced to a caution, in which case he will be free to go home.
- The accused may be declared not guilty and accordingly is set free.

It's important to note that in criminal cases the Government has the responsibility for the case. Your role is to report the case to the police. You do not have to pay any money to the Police, ODPP or the Judge. You can only help your case by assisting the police in the investigation of the case and also as a witness in court. As a witness, you only cater for your transport costs to court and upkeep.

In some cases, the victim, or witness or community may not agree with the outcome of the criminal case. There are many reasons why a person may not be sent to prison. Some of these have been discussed here. Under no circumstances should anyone take the law into their hands to give punishment. Taking the law in your hand to punish a person in these circumstances is a criminal offense that may lead to imprisonment on conviction.

## Key stages in a criminal case

<ul style="list-style-type: none"> <li>▪ An offense is committed</li> <li>▪ The offense is reported to the Police</li> <li>▪ Preliminary investigations are done by Police</li> <li>▪ The suspect is arrested</li> <li>▪ Full investigations are conducted</li> <li>▪ The file is sent to the State Prosecutor for advice and approval</li> <li>▪ Suspect may be released on bond</li> <li>▪ The suspect is taken before a Magistrate and charged</li> <li>▪ The suspect takes a plea (either admits guilt or denies committing the offense)</li> </ul>			
Guilty Plea Taken		Not Guilty Plea Taken	
1	Suspect pleads guilty to charges	1	Suspect pleads not guilty to the charges
2	State Prosecutor is called upon to state the case	2	Suspect may apply to be released on Bail
3	Suspect admits to the charges; he is convicted	3	A hearing date is fixed by the court
4.	State Prosecutor states if the accused is 1 <sup>st</sup> offender	4.	Witnesses of the Government testify
5.	Suspect is asked by the Magistrate if s/he wishes to say anything before sentence is passed	5.	Witnesses are cross-examined by accused or his/her lawyer
6.	Magistrate imposes a sentence	6.	When all witnesses have testified, the Government closes their case
7.	Convict is sent to serve his sentence in prison	7.	If there is a case to answer, the Magistrate explains to the suspect his or her rights on how s/he can make his or her defense

8	File Closed	8.	(1). The suspect may give evidence on oath and be cross-examined; (2). The suspect may make a statement from the dock, not on oath and will not be cross-examined or (3) S/he may keep quiet and say nothing in his or her defense.
		9	Suspect's or defense lawyers start case.
		10	The suspect's witnesses testify and are cross-examined by the prosecution.
		11	The defense closes its case.
		12	Submissions are made by prosecution and defense
		13	Magistrate writes and delivers judgment
		14	File Closed

### Things to do and look out for if you are a victim, witness or any other person reporting a crim

<b><i>Preliminary stages in a criminal case</i></b>	<b><i>Requirements</i></b>	<b><i>What often happens</i></b>
Are you a victim, witness or any other person who suspects a crime has been committed? if yes proceed to make a complaint		
<b><i>Step 1: Make a complaint at the nearest police post or station. Your complaint will be written in the Station Dairy Book (SD). The SD number will be given to you.</i></b>	Have your facts with you. Make a report as soon as possible without delay.	

<b><i>Step 2: At the police post or station you will be required to make a statement.</i></b>	Know your facts well and tell the police officer what happened at the scene of a crime. Tell him or her what you saw, heard, felt or smelt.	<ul style="list-style-type: none"> <li>Complainants many times do not have their facts right, tell lies or have second hand information.</li> </ul>
<b><i>Step 3: Once your statement is taken, a file will be opened at the C.I.D office and it will be given a Reference Number. Do not lose this number, carry it with you at all times when you go to the police station.</i></b>	This is an administrative function. The file will be opened and assigned to a detective to carry out investigations.	<ul style="list-style-type: none"> <li>The police officer interrogates you and you give answers which he reduces down into writing</li> </ul>
<b><i>Step 4: The police will request you to bring witnesses to the station who will also make their statements.</i></b>	You need witnesses who saw or heard what happened. Do not bring witnesses who were just told what happened.	<ul style="list-style-type: none"> <li>Cases are reported late when evidence is destroyed or witnesses lose interest.</li> </ul>
<b><i>Step 5: If you are sure you can identify the suspect the police will not wait to conduct an investigation they will effect an arrest.</i></b>	If you know the offender or have reasonable suspicion that someone you know committed the offense, tell the police.	<ul style="list-style-type: none"> <li>At times people attempt to frame innocent people for various reasons.</li> </ul>
<b><i>Step 6: Police Starts Investigations</i></b>	Police will visit the crime scene. They may gather exhibits from the scene if any and may interview people who may have information relating to the crime.	<ul style="list-style-type: none"> <li>If the scene of a crime has been tampered with, it spoils the possible success in the case.</li> </ul>

<b><i>Step 7: if it is a very serious case, the police will rarely grant a suspect bond, but if it's a simple case they may release the suspect on a police bond.</i></b>	You may be required to produce a surety who will guarantee the Police that you will return to the station whenever you are needed. Police Bond is Free.	There many allegations of corruption in granting of bail.  Some suspects granted bond do not return to the Police.  The Police fail to deal with the sureties and the case stalls.
<b><i>Step 8: Once investigations are completed the police will take the file to the RSA's office for sanctioning</i></b>	The State Prosecutor will look through the file to determine if there is enough evidence to secure a conviction.	The file will be approved and the accused taken to court before a Magistrate to be charged.
<b><i>Step 9: In court, the charges are read to the suspect. S/he either accepts or denies that s/he committed the offense.</i></b>	Suspect stands in the dock listens to the charges read out to him or her and accepts or denies committing the offense.	Suspect will be asked which language s/he understands so the charges are interpreted to him in a language s/he understands.
<b><i>Step 10: If the suspect denies the charge the Magistrate will enter a plea of not guilty and ask the prosecution if investigations are complete.</i></b>	Suspect may apply for bail at this stage if the offense charged is bailable by that court.	If investigations have been completed, the court will fix a date for the trial of the case.  If the investigations are not complete, the case will be mentioned on another date.
<b>Note:</b> No money should be paid to the Police or Prosecutor or Magistrate or Judge. Criminal matters are handled strictly free of charge.		

If the case is not aggravated or serious, then the suspect can be released on police bond but if it is serious then the police may not release a suspect on Police bond.

**Aggravated or serious offences include:** defilement, rape, murder, man slaughter and robbery where a lethal weapon like a gun or knife is used and someone has either died or has been severely injured

Simple criminal offences include: Theft of chicken, goats or sheep and fighting in a bar.

The law demands that a suspect held by the Police must be brought to a court not longer than **48 hours** from the time of arrest.

## Civil Law

Civil law is about cases where an individual, a company or even government does something wrong that causes you loss or injury for which you as a citizen can seek compensation. Sometimes a citizen may seek compensation on behalf of the community or public where they have a common interest. Examples of civil law include the law governing formation and putting into practice of contracts, the law of marriages and the law of succession, Land laws.

If you want to correct a wrong (redress) in a civil case or in a civil court and at the same time get compensation then you must show three things, namely:

- a) Prove that you have a right;
- b) Prove that the right has been violated or abused, and
- c) Prove that the other person is responsible for the violation.

The redress that the wronged individual, group or company seeks or looks for is, to put right the wrong, as much as the court possibly can. This is usually done in money terms.

The purpose of the civil administration of justice is to determine the rights of those in a dispute who suffer from the wrong by providing compensation in form of damages, or having the action that is causing the wrong stopped (injunction), declaring for instance that land claimed by another person belongs to him or her. In some cases, it may be that a contract was not completed and needs to be completed.

### Example of a Civil Case

Kitunzi and Owino, had neighboring farms separated by a weak barbed-wire fence. Owino alleges that Kitunzi's cows knocked down the barbed wire fence that he erected to separate their farms. That Kitunzi's cows entered the land and destroyed bananas Owino had planted worth 1,000,000. (One Million Shillings).

Owino sought advice from a lawyer on the matter. Owino told the lawyer that he wanted Kitunzi to pay for his destroyed fence, and the bananas his cows destroyed as well as for all the trouble he had caused him.

The lawyer, therefore, filed a civil case for compensation or damages to recover from Kitunzi for the destruction to his fence and banana plantation.

As this is a civil case, Owino must pay for the services of a lawyer. This payment is commonly known as Professional Fees. Each document filed in court is supposed to be paid for. The money paid for the documents is called Filing Fees. Owino's lawyers can ask the court for the Filing and Professional Fees to be paid to Owino if Owino wins the case.

Also, Kitunzi has to pay professional fees to his lawyers as well as filing fees for court documents.

### Key Stages in Civil Matters

1.	A wrong is committed.
2.	The Plaintiff (victim) seeks the advice of a lawyer.
3.	The Plaintiff appoints the lawyer to represent him or her.
4.	The lawyer writes a demand letter in which s/he says that he has the intention to sue (take legal action against) the person who committed a wrong unless that person makes right the wrong.
5.	If the person who committed the wrong denies or refuses, then the lawyer will start the legal action in court.
6.	The lawyer draft a Statement of Claim (a complaint) and Mediation Summary (a proposal on how to settle the case).
7.	The lawyer seeks an assessment of filing fees for the case from the Cashier at court, then he pays the fees in the bank and obtains a receipt.
8.	The lawyer returns to court to file the Statement of Claim and all relevant documents. The cashier's office will need proof of payment of filing fees to accept the Statement of Claim and all relevant documents.
9.	The lawyer takes the documents to the Clerk in the Registry where the Clerk stamps the documents and, gives the Statement of Claim a Case Number and the Mediation Case Summary will also be given another number.
10.	The Clerk will advise when the summons (notifying the person who wronged of the court action and hearing date) will be ready for collection for service on the Defendant ( the person who committed the wrong)
11.	Summons are taken from the court and served on the Defendant either by a Process Server or an Advocate.
12.	The Defendant's lawyer files a written statement of defense within 15 days from the date of service of summons and statement of claim.

13.	14 days after, the court will notify the lawyer of the date of mediation hearing. If mediation is successful, then a Consent Agreement is reached and the case stops there.  If mediation is not successful then the case is referred to a Judge for hearing. A hearing date is fixed.
14.	The case Comes for Scheduling conference (to explore further options of resolving the complaint or sorting out the facts and issues before a hearing). This is intended to speed up the trial.
15.	During the hearing, in court. the lawyer for the Plaintiff calls witnesses to testify and they are cross-examined by the Defendant or his lawyer.
16.	The plaintiff case closes and the Defense's case starts.
17.	The Lawyer for the Defendant or the Defendant calls his witnesses who testify on oath and are cross-examined by the Plaintiff or the Plaintiff's lawyer.
18.	Defense's case closes.
19.	Plaintiff and Defense make submissions.
20.	The Judge writes and delivers the judgment.

### Important things to Do and Look Out for in a Civil Matter

Stages towards Filing a Civil Case	Requirements	What is the Practic
<p>1. <b>Step 1: Speak with a lawyer about your case. If your lawyer feels that you have a good case, instruct him/her to file it in court.</b></p> <p>2. <b>Step 2: The lawyer will draft a Statement of Claim and other necessary documents.</b></p>	You need to pay for his services. You will need to pay court fees for filing your case.	<p>Meet the lawyer in private.</p> <p>Tell the lawyer the whole truth.</p> <p>The lawyer will advise you on what to do.</p> <p>Give him the names of the would be witnesses. If you have any documents that could help prove your case, give them to the lawyer.</p>

Stages towards Filing a Civil Case	Requirements	What is the Practice
3. <b>Step 3: The Statement of Claim and Mediation Case Summary will be taken to the Court Cashier to advise of the fees payable.</b>	<p>Payment of the assessed court fees is made in the bank.</p> <p>The Statement of Claim and receipts are returned to the court. The cashier stamps the Statement of Claim.</p> <p>The Statement of Claim is given to the Clerk registering in the Civil Registry.</p> <p>The Clerk receives the Statement of claim, stamps and signs it and indicates the date of filing.</p> <p>The Clerk registers the case and gives it a number.</p> <p>The Clerk advises when the summons will be ready for collection to serve the defendant.</p>	<p>The filing of the case is done by the Chamber Clerk.</p> <p>The service of summons is done by either the Chamber or Court Clerk or the lawyer only.</p> <p>The mediation case summary is served on the defendant together with the Statement of Claim.</p> <p>Wait for Mediation hearing Notices from court.</p>
	The Mediation Case Summary will be given a number too and served with the Summons and Statement of Claim.	

### Differences between Criminal and Civil Law

There are a number of differences between criminal law and civil law. These include the following:

- The nature of the proceedings, the language or terms used, the remedies or solutions given are generally different. For instance, criminal cases are usually started by and in the name of the State on behalf of the wronged party. That is why in a criminal case you get the charge sheet reading like this, **Uganda vs Kitunzi**.

- The wronged party or the victim of the crime is referred to as a complainant while in civil law, the wronged party is referred to as the plaintiff or petitioner.
- One of the aims of criminal law is to punish the wrongdoer while civil law aims at determining rights and giving a remedy to a party whose rights have been interfered with by wrongful acts of another.
- In criminal proceedings, the one to prove a criminal case against the accused is the State and this must be done beyond a very high standard of evidence being provided (beyond a reasonable doubt). In criminal cases, the State proves their case through a prosecution lawyer.
- In civil cases, it is the duty of the plaintiff to prove the case against the defendant. However, the plaintiff only has to show that the defendant most likely than not, committed the acts complained of.

Most crimes are defined by a law called the Penal Code Act. For instance, assault, theft, forgery, defilement, rape, murder and treason are some of the offenses that are stipulated in the Penal Code Act.

There are many other Acts of Parliament and other written laws that create offenses. For example, the Anti-Corruption Act creates offenses related to corrupt conduct such as giving or receiving bribes.

The Traffic and Road Safety Act creates traffic offenses such as reckless driving, drunken driving, driving a motor vehicle without a valid driving license among others.

There are also bye-laws made by bodies such as Local Governments, which create offenses. For example, Kampala City Council bye-laws forbid letting animals loiter/ wander in the city.

**Table 2 Difference between Civil and Criminal Administration of Justice**

<b>Criminal</b>	<b>Civil</b>
A criminal case is brought as an offense in court.	A civil case is filed as a civil suit in court.
Criminal cases are mostly started by the Police and Office of the Director of Public Prosecution or State Attorney / Prosecutor.	Civil cases are often started with the assistance of a lawyer.
Often where a crime is found to have been committed the outcome in criminal cases is punishment (imprisonment, fines, community service).	In civil cases, the side that wins will in most cases get a declaration such as damages, injunctions, etc.

In criminal cases, the offense or prohibited act is often found in Penal Code and other Penal laws	In civil cases, the rules that are used are contained in Civil Procedure Laws.
The government brings the criminal case to court.	In civil cases, the action is taken by an individual.

## Human Rights Law

This area of law concerns important rights that we own as human beings. Human rights law protects people against abuse by those who are more powerful. In the majority of cases, these powerful individuals will be persons associated with the Government such as the police, and army. Human rights can only be taken away in specific circumstances. Examples of human rights include freedom from torture, the right to own your things, and freedom of expression or speech. The main human rights are contained in Chapter Four of the Constitution of Uganda.

These are:

- (a) Equality and freedom from discrimination.
- (b) Protection of right to life.
- (c) Protection of right to personal liberty.
- (d) Protection from torture or cruel, inhuman or shameful treatment or punishment.
- (e) Protection from slavery, servitude and forced labor.
- (f) Protection from deprivation (removal) of property.
- (g) Right to privacy of person, home and other property.
- (h) Right to a fair hearing.
- (i) Protection of freedom of conscience, expression, movement, religion, assembly and association.
- (j) Right to education.
- (k) Rights of the family e.g. the right of a man and woman to marry and found a family.
- (l) Affirmative action in favor of marginalized groups.
- (m) Rights of women.
- (n) Rights of children.
- (o) Rights of persons with disability.
- (p) Protection of rights of minorities.
- (q) Right to culture and similar rights.
- (r) Civic rights and activity.
- (s) Right to a clean and healthy environment.
- (t) Economic rights e.g. the right to work under safe and healthy conditions, the right to practice one's profession, the right to join a trade union and the right to maternity leave.
- (u) Right of access to information.
- (v) Right to just and fair treatment in administrative decisions.

The Constitution also recognizes other rights and freedoms not listed in the Constitution but are found in international human rights laws that Uganda is a party to.

### **Note**

Your enjoyment of rights and freedoms should not in any way fail to allow others to enjoy their fundamental or other rights and freedoms.

There are some circumstances under which the enjoyment of right may be limited, for example in the interest of the general public but such restriction must be necessary and reasonable in a free and democratic society.

There are some rights that cannot be limited under any circumstances. These are:

- (a) Protection from torture or cruel, inhuman or degrading treatment or punishment;
- (b) Protection from slavery, servitude and forced labor;
- (c) Right to a fair hearing; and
- (d) the right to an order of habeas corpus (to be brought before a judge or into court, especially to secure the person's release unless lawful grounds are shown for their detention).

## **Roles of Key Players in the Administration of Justice**

There are several people that you are likely to meet when you are going through a court process. We try and explain who they are and what they do in the administration of justice.

### **Judge or Magistrate or Registrar**

These are court officials responsible for managing the case in court. They listen to all people who attend court to give evidence including police, victims, suspects, probation officials, lawyers, witnesses and make the final decision as to whether someone is guilty or not or in a civil case whether a wrong was committed.

### **Court Clerk**

The Court Clerk maintains the official court record of your case. S/he usually sits next to the Judge/Magistrate. The Court Clerk also receives all court records and assigns hearing dates. S/he also acts as an interpreter for the court.

### **Director of Public Prosecutions or State Attorney or Prosecutor**

The Office of the Director of Public Prosecution is represented in court by a State Attorney or Prosecutor. State Attorneys or Prosecutors are Government lawyers who

represent the interests of all citizens of Uganda. S/he is responsible for proving to the court that the suspect committed the crime for which they have been brought to court. They present the evidence in court. State Attorneys or Prosecutors are responsible for sanctioning the file or authorizing the case that has been investigated by the Police to move forward to the court. Before they allow the case to move to court, there must be sufficient evidence that the crime was committed. S/he may also withdraw charges against the suspect where there is no evidence or for other reasons. State Attorneys or Prosecutors will present the evidence collected by the police in court. They are also responsible for managing the plea bargain process to speed up the delivery of justice. They play these roles in only criminal cases.

### **Defense Lawyer or Advocate or Attorney**

This lawyer represents the suspect or accused person. His or her job is to represent the accused person's legal interests. If the suspect is found guilty, the defense lawyer will try to negotiate a favorable sentence.

### **Witnesses**

A person with information that would help the court to arrive at the right decision is commonly known as a witness. Witnesses can either testify against and for either side in the case. Witnesses should only testify to what they saw and heard, but not what they were told.

### **Tips on What to do at Court**

- Always arrive at court at least 30 minutes before it starts.
- Switch off your phone.
- The official starting time for the court is 9 am and 2.30pm.
- Always ask the court officials at the Registry to direct you where to go.
- Respect the court officers; the Judge, Magistrate, Prosecutor, Clerk, and others.
- If you don't understand anything, say so or ask your lawyer.
- Always address the Judge as "My Lord" or "Your Honour".
- Address the Magistrate or Registrar as "Your Worship" or "Your honor".
- If you are a witness, you will be sworn in before testifying
- Never lie in court, lying is an offense.

### **Your Rights, Duties, and Responsibilities**

Generally, anyone in Uganda is entitled to enjoy the basic right and freedoms under the law however, citizens and residents may have more rights, privileges, and obligations.

Ugandan citizenship is mainly acquired through birth.

There are however other ways by which citizenship may be acquired, such as through registration or naturalization. Ugandans may acquire citizenship of another country without losing Ugandan nationality, while nationals of other countries are also allowed to become Ugandan citizens and keep their other nationality. This commonly known as dual citizenship.

The Constitution of Uganda says that citizens have duties and responsibilities to:

- Be nationalistic and loyal to Uganda and to promote its well being,
- Engage in gainful work for the good of the citizen, the family and the common good,
- Contribute to national development,
- Contribute to the well-being of the community,
- Promote responsible parenthood,
- Foster national unity and live in harmony with others,
- Promote democracy and rule of law,
- Know the provisions of the Constitution,
- Respect the national anthem, flag, coat of arms and currency,
- Respect the rights and freedoms of others,
- Protect children and vulnerable persons against any form of abuse, harassment or ill-treatment,
- Uphold and defend the Constitution and the law,
- Protect and preserve public property,
- Defend Uganda and render national service when necessary,
- Pay taxes,
- Register for electoral and other lawful purposes,
- Cooperate with lawful agencies in the maintenance of law and order,
- Create and protect a clean and healthy environment, and
- Fight corruption and misuse or wastage of public property citizenship.

### **The Role of an Advocate or Lawyer**

An advocate or lawyer should represent his or her client with care and attention at all times and to the best of his or her abilities. He or she should:

- a) Be trustworthy towards the client,
- b) Devote time to the client's work,
- c) Treat the client with attention and respect,
- d) Always keep in touch with the client,
- e) Discuss and advise the client at all stages of the case,
- f) Find a quicker and cheaper solution to solve a problem,
- g) Avoid causing unnecessary delay of a case,
- h) Advise the client of the best possible course of legal action to take,

- i) Advise the client of the witnesses to call, and what value they add to the case, and
- j) Advise the client of the evidence to present in court.

### **The Role of a Client**

It is your responsibility to find a lawyer that will provide you with legal services in your case. Where you feel you cannot afford to pay for the services of a lawyer you should contact legal aid providers. A list of legal aid providers is provided at the end of this Handbook

As a client you should:

- a) Pay the lawyer for services provided,
- b) Respect your lawyer's advice on legal matters, and
- c) Be honest with your lawyer.

### **Tips on Hiring a Lawyer**

- a) Does the lawyer seem interested in the case?
- b) Does the lawyer seem pleasant and easy to communicate with?
- c) Do you feel comfortable with the lawyer?
- d) Does the lawyer have any specialty in the type of case?
- e) Does the lawyer show care or understanding of your case?
- f) Does the lawyer seem trustworthy?
- g) Has the lawyer ever represented other clients in court?
- h) Did you go to the lawyer on recommendation from someone?

### **Who Else Can Help You with Your Legal Problem?**

#### **Community Legal Volunteers**

These are men and women based in the community who can help with simple legal problems and assist members of the community to access justice. They must be over 18 years of age and must have received the necessary training. There are often equipped with basic legal training by organizations that promote access to justice.

#### **Paralegals**

A paralegal is a person who has a Diploma in Law from the Law Development Centre according to the Advocates Act. These are also trained by organizations with an interest in promoting access to justice. They are often found at a police station, court and prison. They are not qualified lawyers but can help you with basic legal advice.

## Principles of Justice

There are some principles of justice that should be observed. These are:

- In deciding cases, the courts are required to apply the following principles of law;
- Justice shall be done to all irrespective of your social or economic status: Therefore everybody is entitled to equal and fair treatment before the law.
- Justice shall not be delayed - delays in accessing Justice can cause disturbance and anger which can lead to people taking the law into their own hands to carry out vigilante or mob justice.
- Adequate compensation shall be awarded to victims of wrongs: An affected individual must be put in the same state he or she was in before the dispute occurred if the case is to be resolved completely.
- Reconciliation between parties shall be promoted: Justice requires the “healing of wounds”. People should be encouraged to reach a mutual settlement over a dispute so that their relationship can be restored if this does not impair the delivery of justice.
- Substantive justice shall be administered without unnecessary regard to technicalities: This means that courts should look to resolve real disagreements rather than dwell on technicalities that do not resolve the dispute and could compound it.

## Dealing with Administrative Decisions

Administrative decisions are individual decisions or actions by government departments and non-governmental bodies or public officials and private bodies. Common examples of such decisions include a town council decision to refuse a market license, an order by the police, minister or RDC/DPC for your community to stop carrying out certain activities such as fishing, occupying land or carrying out any other lawful activity. Also, a decision by a private body such as MTN to stop providing telephone services in a particular area, or by Umeme to ration power supply in particular places is an administrative decision.

## How should decision-makers exercise discretionary powers?

Decision-makers must use discretionary powers in good faith and for a proper, intended and authorized purpose. Decision-makers must not act outside of their powers. No decision-maker has unfettered discretionary decision-making power.

It is not sufficient to exercise discretion simply because it seems the right thing to do. When exercising discretion, decision-makers need to act reasonably and impartially. They must not handle matters in which they have an actual or reasonably perceived conflict of interest.

It is important to apply the values that the legislation promotes, professional values and the values of the agency, not personal values.

In exercising discretionary powers, decision-makers should have regard to any specific requirements as well as satisfy general administrative law requirements. Some of the general principles relevant to the exercise of discretion are:

- Acting in good faith and for a proper purpose;
- Complying with legislative procedures;
- Considering only relevant considerations and ignoring irrelevant ones;
- Acting reasonably and on reasonable grounds;
- Making decisions based on supporting evidence;
- Giving adequate weight to a matter of great importance but not giving excessive weight to a matter of no great importance;
- Giving proper consideration to the merits of the case;
- Providing the person affected by the decision with procedural fairness; and
- -Exercising the discretion independently and not under the dictation of a third person or body.

Challenging an administrative decision is complex and requires expert legal advice. If you or your community feel unhappy about an administrative decision, contact a legal aid provider or lawyer immediately.

## Right to Appeal

In most cases, you may have the right to appeal the decision of the court or other bodies. It is important that when you are dissatisfied with the outcome of the decision made by the court or any other body, you ask the decision-maker or a lawyer if you can appeal the decision. Generally, the law restricts appeals to two. It imposes strict conditions for a third appeal to be allowed. There are also strict deadlines in which appeal must be submitted and, therefore, you need to act promptly.

Your appeal will be before a higher court or a different person from the one who made the decision that you are not happy with. The court or judge or justice determining the appeal will correct errors by the first court or person that decided in your case. The right of appeal ensures that, as far as possible, courts, individuals or bodies arrive at correct decisions.

Generally, judicial appeals follow a bottom to the top system, from the lower courts to the upper courts in this sequence:

1. Magistrate Grade II to Chief Magistrate;
2. Magistrate Grade I to High Court; (Appeal from the Magistrate Grade I, has to be with the permission of the Chief Magistrates to the High Court)
3. Chief Magistrate to High Court;

4. High Court to Court of Appeal; and
5. Court of Appeal to the Supreme Court;

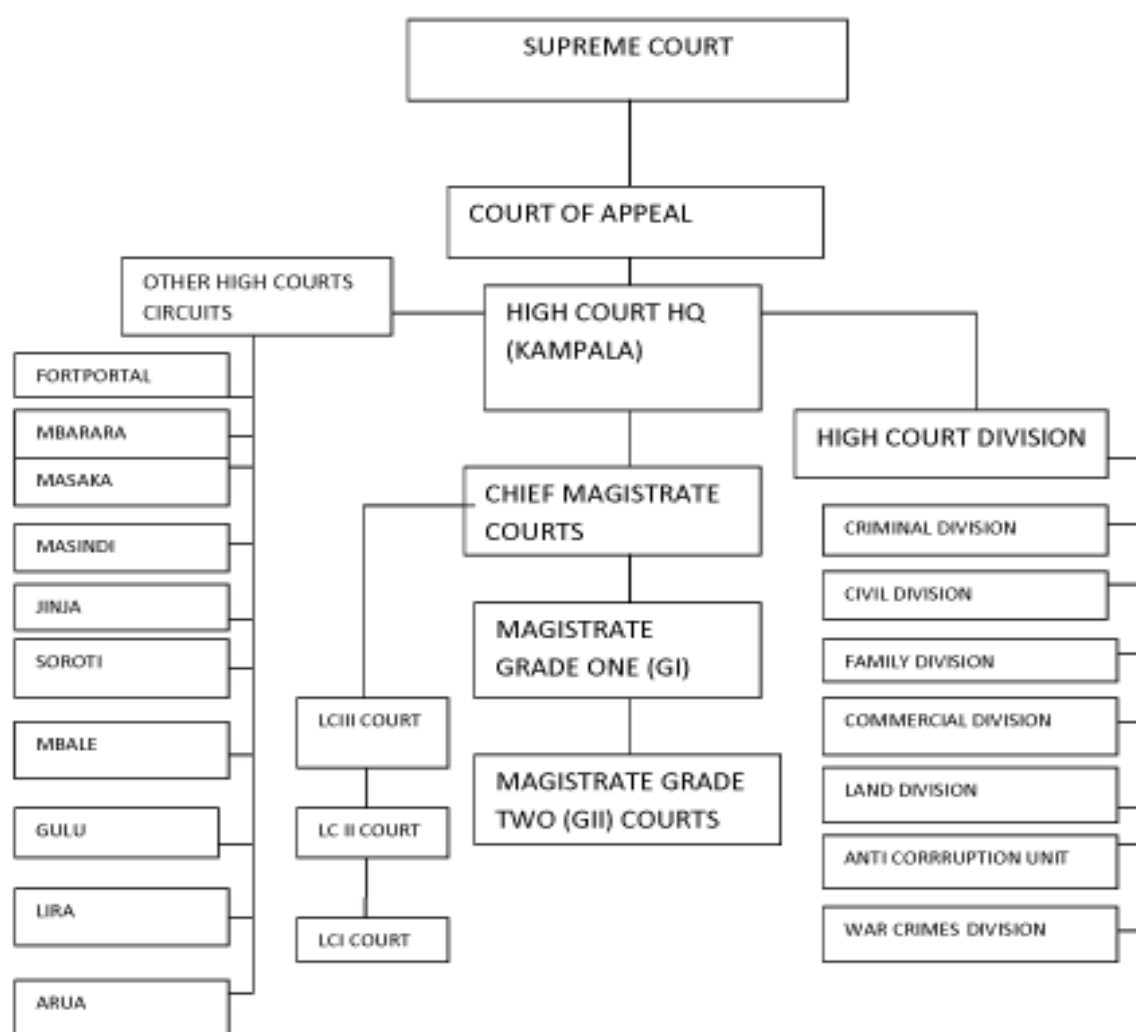
If you are dissatisfied with a decision of the LC court, the appeals process is as follows:

- a. Local Council I decision, you appeal to the Local Council II,
- b. Local Council II decision, you appeal to the Local Council III,
- c. Local Council III decision, you appeal to the Chief Magistrate

A person not satisfied with the decision of the General Court Martial may appeal to the Court Martial Appeals Court. And if still not satisfied they can appeal to the Court of Appeal. Appeals from the Unit Disciplinary Committee are made only to the Commanding Officer or the immediate superior in command of the superior authority. Where the trial was by a Superior Authority, then the Appeal should be to the Commander-in-Chief.

The diagram below shows the appeal structure of courts.

**Figure 8: Appeal Structure of Courts**



## The Right to Bail

Bail is an agreement between the Court on one hand and the accused, as well as the sureties, on the other hand that the accused will be released from prison to attend his trial without being imprisoned. Often, a sum of money is lodged to guarantee the accused's appearance in court.

It is important to note that the accused is presumed innocent until it is proved that he or she has been found guilty or he or she pleads guilty, therefore bail is aimed at protecting the accused's right to personal liberty, or detention/imprisonment before the accused has been found to have committed any offense.

### Important Things to Know about Bail

- There are two types of bail, discretionary bail, and mandatory bail.
- The accused has the right to apply for bail in a court that has the powers to release him or her on bail
- In Magistrates Courts, after the charges have been read to the accused and he or she denies the charges, the accused, if not represented by a lawyer, the accused can raise his or her hand and ask the Magistrate to release them on bail.
- In the High Court, bail applications are made in writing unlike in Magistrates Courts. At the bail hearing, a judicial officer evaluates the case and determines if the accused should be released on bail or not. The terms upon which an accused is released on bail are determined by the court depending on a number of circumstances.
- There is no list stating an amount of bail money that will be requested for a particular offense charged;
- Sureties are people who guarantee that the accused person will attend his or her trial and be in court on time on the day of their trial;
- The accused is released from prison and handed over to the sureties;
- The release of an accused on bail does not mean he has been freed from the charges against him.

### Discretionary Bail

The Constitution states that a person may apply for bail at any time. This is commonly known as discretionary bail. This means that at any time including the first appearance in court, the accused can ask the court to release him or her on bail. However, for discretionary bail, the court may accept or refuse the accused bail and it has also the right to set conditions for granting the accused bail. Failure for the accused to fulfill those conditions, bail will not be granted.

## What the Accused is Required to Do to Get Discretionary Bail

- Produce a substantial surety – that is a person of integrity, good repute, and standing.
- Produce a National Identity Card
- Must show that he or she resides in the area where the court is located.

## What Sureties Must Do for the Accused to Get Discretionary Bail

- Must be a person of integrity, good repute, and standing.
- Must obtain a letter from their Local Council [LC 1] – as proof of place of residence;
- Must produce a National Identity Card or Passport;
- Must describe their relationship with the accused to the court
- Must promise to the court that the accused will return to attend the trial. In case the accused fails to return to court, the amount of money determined by the court commonly known as bond, which is not cash will become payable by the surety.

## Duties of the Surety

- a. To ensure that the accused attends his trial on dates fixed;
- b. If the accused cannot attend, the surety must come to court and inform the court, why the accused has failed to turn up in court; and
- c. If the surety discovers that the accused intends to flee, he or she should engage the services of the police to arrest him or her and bring the accused back to court and ask to be discharged or relieved of the duty of being a surety

## Surety Fails to Meet Their Duties

If the accused fails to appear in court as scheduled and the surety does not appear to explain why the accused failed to turn up in court, the judge may do any or a combination of the following:

- Issue criminal summons against the surety.
- Order the money paid into court to be forfeited. Failure to carry out any of the duties the court may order for the arrest of the surety and the bond to be converted into cash and paid in court.
- The court may also order for the bond to be converted into cash by selling the property of the surety.

**Note: It is important to know the responsibility they are undertaking in standing surety for someone.**

## Mandatory bail

The Constitution directs that a person who has been remanded to prison on suspicion of committing a minor offense or non-capital offense but has not been brought before the court within 60 days must be granted mandatory bail. For suspects of capital offences the Constitution directs for their release on mandatory bail if their case has not been heard by the court after 180 days.

In ordering for suspects to be released after 60 and 180 days on remand, the Constitution aims at protecting the right to personal liberty by ensuring that persons who have not been convicted of any crime, and they are considered innocent, should not be kept in prison for long periods.

## Bail and Committal to the High Court for Trial

Courts have the power to try different offenses. Often, the Magistrate Court will hear non-capital offenses while the High Court will hear capital offenses. The court that has powers to hear an offence has also the powers to grant discretionary bail. However, all suspects or accused persons must appear before the Magistrate Court which will determine if it has powers to try the suspect. If the Magistrate Court determines that it has no power to hear the offense, it will refer the case to the High Court for trial. This process is commonly known as the committal process. The suspect who has been granted bail may be committed to the High Court for trial. Where this occurs:

1. Bail should be maintained;
2. If the committing court has the power to grant him bail, it may grant him or her bail;
3. If the committing court has no power to grant bail, the accused has the right to apply for bail in the suitable court with powers to grant him bail.

## Paying Bail

After bail is granted by the court, the amount determined must be paid for. The process for paying bail is usually as follows:

- a. The judicial officer sets the conditions for bail which must be obeyed;
- b. The court usually asks for bail in cash;
- c. Deposit of land titles have been requested in some cases on top of cash;
- d. If it is cash bail, it is paid in the bank and proof of payment must be obtained;
- e. Proof of payment must be given/ shown to the court which granted the bail;
- f. The court clerk will complete a bail bond form;
- g. The bail bond form must be signed by the accused and each of the sureties;
- h. The bail bond form must be signed by the judicial officer;
- i. The date when the accused returns to court next is indicated in the form.

## Bail Refund

Courts demand bail as one of the requirements to ensure that a suspect returns to court to answer the charges against them. Therefore, a person is entitled to their bail refund if:

- a. They have fulfilled all the bail conditions throughout the hearing of the court case, and
- b. The bail money has not been surrendered to the state under an order of the court.

## Other Ways of Settling Disputes

There are several other alternatives to use to settle disputes other than the court system.

### Mediation

One of the other ways of settling a dispute is through mediation. This is a process where an individual tries to end a disagreement by helping the two sides to reach an agreement through negotiations.

The courts send every civil case for mediation. Only when the two sides fail to agree will the court hear the case.

All cases referred for Mediation Case must include:-

- a. the names of the parties;
- b. the address of the parties including postal, fax, telephone and email addresses;
- c. the facts giving rise to the case and the defense to the facts;
- d. the name and address of the advocate of the two sides, if any;
- e. the person with the full authority to sign a settlement;
- f. the name of the person who will be the lead negotiator for each side;
- g. the name of the proposed mediator, if any; and
- h. the document that the parties intend to use during the mediation

The following things are important to know about mediation:-

- i. 14 days after complaints/pleadings have been completed, the court notifies the parties of the commencement date of the mediation sessions.
- ii. Mediation has timelines; it must be completed within 60 days but may be extended for 10 additional days where there is a likelihood of the sides reaching an agreement.
- iii. Mediation is carried out by either a Judge, Registrar, Magistrate, Person accredited by the court as Mediator, Person certified as Mediator by The Center for Arbitration and Dispute Resolution (CADR), or Person with relevant qualifications and experience in mediation.

- iv. When mediation fails, a report is made and the matter is referred to the Judicial officer to handle the trial of the matter.
- v. Where the two sides agree to settle the matter in full, a full agreement is written, if they settle the matter in part, a partial agreement is written and the issues of disagreement referred in a report to be decided by the judicial officer at a trial.

## Small Claims

If you are in a disagreement with another person over a matter which the monetary value is not more than Ten Million Shillings (10,000,000/=), you can claim it using the small claims procedure.

A small claim has to be civil or commercial. Only an individual, not a company may use the small claims procedure and must appear in person. Lawyers or advocates are not allowed to represent persons to a disagreement.

### Small Claims Procedure

To start a small claim:

- i. Issue a Notice of Demand to the person you disagree with giving them 14 days to fulfill your demands.
- ii. If payment is made, the matter ends there.
- iii. If not, you compile your claim and attach a Notice of Demand, Affidavit of Service of the Notice and documents supporting your claim & any other information necessary;
- iv. Ask a Judicial Officer to sign the summons.
- v. The documents are served upon the other person that you are in the disagreement with either by you or by a Court process server.
- vi. Court process server files an affidavit of service within 7 days.
- vii. If the other side does not respond to the summons, the court shall enter judgment.
- viii. If the other side contests the claim he or she will file a written statement of defense [with a counterclaim if any].
- ix. The court will fix a hearing and have Notice served on you and the other side to the dispute.

### A small claim does not include:

- i. Family disputes relating to the management of an estate.
- ii. A claim against the government.
- iii. A disagreement for defamation, malicious prosecution, wrongful imprisonment, wrongful arrest or seduction.
- iv. A petition for divorce, nullification of marriage or separation of spouses.
- v. A case involving the validity of a Will.

- vi. A claim in which specific performance is sought without an alternative claim for payment of damages, except in the case of a claim for rendering an account or transferring movable property and disputes arising out of tenancy agreements.
- vii. Contracts of service and contracts for service.

### **Delays in the Administration of Justice**

You may have heard of the common saying that: 'Justice Delayed is Justice Denied'. This simply means that if a legal solution is available for a party that has suffered some injury, but is not given in a timely fashion, it is effectively the same as having no legal solution at all. Delayed justice leads to injustice. Often persons come to court to solve a problem or to claim a right. The courts have to act fast and fairly.

Causes of delays in the administration of justice include:

- a. Absenteeism of judicial officers,
- b. Late coming by both the judicial officer and the advocate,
- c. Delay in investigations,
- d. Absconding of an accused,
- e. Lengthy oral submissions,
- f. Absence of lawyers or expensive cost of legal services,
- g. Non-attendance of witnesses,
- h. Numerous interlocutory applications like a temporary injunction, discovery, and inspection, interim order applications, etc,
- i. Poor work culture,
- j. Incompetence or ineffectiveness of staff,
- k. Corruption,
- l. Inadequate judicial staff,
- m. Low or lack of morale,
- n. File disappearance,
- o. Absence of interpreters,
- p. Poor inter-agency coordination and cooperation,
- q. Inadequate supervision of judicial officers,
- r. Administrative inefficiency e.g. delayed disbursements of funds to courts and inadequacy of funds to courts, bureaucratic red tape,
- s. Failure of a party[s] to appear in court,
- t. Unnecessary adjournments or postponement of cases,
- u. Multiple fixtures of cases by advocates and the judicial officers,
- v. Advocates who deliberately act unprofessionally e.g. not appear for cases e.t.c.

In summary, justice must be delivered promptly, orderly and quick. Timely justice builds public confidence in the justice system. Speedy justice solves disputes quickly and allows persons to get on with their lives.

The effects of delayed justice include:

- a. People taking the law into their own hands (mob/vigilante justice);
- b. Crime/wrong has not been punished;
- c. Decrease in the quality of service to the public;
- d. Loss of confidence in the administration of justice;
- e. Encouraging corruption and perceptions of corruption;
- f. Destroying the value of otherwise good judgment;
- g. Weakening in the quality evidence with time or loss of evidence; and
- h. Causing psychological and financial loss to the complainants who have to keep moving to and from the court, on account of numerous adjournments.

### Corruption in the Administration of Justice

The general understanding of corruption is when a person acts in his public office contrary to the demands of that particular office. Government officers provide services offered by the Government for our benefit. Sometimes some of these officers ask for “facilitation” and “tea” to assist us to get or obtain a service. This is a form of corruption which must be reported. These officers are paid salaries to provide services to us. Corruption is, among other things, when:

- A public official accepts or asks anything of a monetary value or any other form for that official to act or not act in the execution of his or her public functions.
- A public official is offered or granted anything of a monetary value or any other form of gratification for him or her to act or not to act in his or her public office.
- A person offers, gives, asks or accepts any undue advantage from someone with a promise that he or she can apply undue influence to another person to act in a particular way.
- A person acquires by fraud, uses or conceals property derived by the abovementioned means.
- A person participates as a principal, agent, instigator, accomplice or accessory in the commission of the above-mentioned acts.
- a person acts in any way to illicitly obtain benefits for himself or herself or a third party, or
- a person neglects his or her duty.
- Corruption takes several forms. Some of these include;
  - **Bribery:** This is when a person offers any form of gratification to a public officer for that officer to favor him or her in a particular way.
  - **Nepotism** : This is when a person seeks to act in a particular public office to only favor people he or she is related to by blood.
  - **Sectarianism:** This is when a person seeks to act in a public office to only favor people of a particular race, religion or sect.
  - **Embezzlement:** This is when a person steals or misappropriates the property of his or her employer for other use save the official use of that particular property.
  - **Diversion of Public Resources:** This is when a person uses public funds for purposes that were not intended to benefit himself or herself.

It should be noted that corruption in any form is prohibited and is a crime. The public is advised to report corrupt public officials. The public is also advised not to give bribes to public officers.

There are several institutions to which acts of corruption can be reported.

### **Inspectorate of Government**

This is an institution established by the Constitution. Its primary responsibility is to eliminate corruption, abuse of authority and public office. The Constitution also bestows several powers to the Inspectorate of Government, which include to; investigate or cause investigation, arrest or cause arrest, prosecute or cause prosecution, make orders and give directions during investigations; access and search, enter and inspect premises or property or search a person or bank account or safe deposit box, among others.

The Inspectorate of Government has several offices across the country in Kampala, Kabaale, Gulu, Arua, Hoima, Jinja, Masaka, Moroto. Information on how to contact the Inspectorate of Government is provided in Chapter 7.

### **Judicial Service Commission**

If you have been asked for a bribe by the Police; Prisons; Prosecutors; and Magistrate or Judge, Please report the case to the Judicial Service Commission. You can also report to the following institutions:

- **Office of the Director of Public Prosecution**
- **The Judiciary – Inspectorate of Courts**
- **The Uganda Police Force**
- **Civil Society Organisations (CSOs)**

There are several CSOs that work to eradicate corruption such as the Anti-Corruption Coalition Uganda (ACCU). ACCU brings together like-minded entities and individual actors whose preoccupation is publicizing, exposing and advocating for holding back corruption in Uganda to create an accountable and corruption-free society.

Contact

**The Anti-Corruption Coalition Uganda (ACCU)**

**Plot 9B Vubya Road, Ntinda**

**Tel No. +256-414-535659**

**E-mail: [info@accu.or.ug](mailto:info@accu.or.ug)**

**Website: [www.accu.or.ug](http://www.accu.or.ug)**

## CHAPTER FOUR:

### RIGHTS OF CHILDREN AND FAMILY JUSTICE

#### Introductio

Whenever you have any disputes or problems within the family setting, you need to find solutions. Examples of such disputes or problems include: fighting and quarrels between the wife and husband, fights over family land, not taking children to school or paying school fees for them, not providing food at home, refusing to pay house rent, children disrespecting their parents and many other problems faced in homes. The Government has put in place institutions as provided for in the law to help resolve family problems. Because of their young age, the law gives children more protection than adults therefore creating a special regime of child rights. In this Chapter, we discuss the legal machinery put in place by the government to help solve family problems and also the rights of children.

#### How to Deal with Children Problems

There are several Government agencies created to promote and protect the rights of children. The main government agency in charge of children affairs is the Probation office which is a department of the Ministry of Gender, Labour and Social Development.

*Figure 9: A Mother and Her Children Seeking Support from a Probation Officer*



## **Ministry of Gender, Labour and Social Development – Probation Services**

The Probation Office, is the government department that has the powers to help people solve problems related to family issues and children's matters. The problems brought to the probation office are handled by trained social workers. They handle many issues like domestic violence or family misunderstandings between couples.

### **What does the Probation Office**

The work of the probation office is to ensure the improvement of the welfare and rights of children, their protection and overall development. The probation office handles matters related to the family, specifically matters that involve vulnerable groups such as children and their families.

Probation work is carried out by Probation or Welfare Officers found at district levels. At the sub-county level, the Community Development Officers (CDO's) are charged with responsibilities relating to children and family matters.

### **Types of Cases Handled by a Probation Office**

The Probation Office works on cases concerning women and children, and some matters affecting married people. Such cases concern the following issues:

- a. Children in need of care and protection, as a result of gross neglect, failure to provide basic requirements, educational needs parental guidance, defilement, abandoned children who need resettlement, a parental dispute over a child and child labor;
- b. Custody of the child (which parent or relative has the right to keep the child);
- c. Maintenance of children in situations where parents are separated;
- d. Arbitration or negotiation on matters related to children;
- e. Inheritance of property for children;
- f. Family misunderstandings and drug abuse cases;
- g. Cases of children who have committed crime ;
- h. Cases of child labor; and
- i. Other cases on children that must be reported to the Probations Office or Police such as early girl-child marriages, and early pregnancies which is evidence of defilement.

### **Where to find the probation office?**

All districts have a department for Probation Services. The Probation Officer sits in the Community Development Office and doubles as the Community Development Officer (CDO. Although it is advisable to seek help from the nearest Social Worker / Probation Officer at the village level, a person can still report his or her case at the district level. However, the Probation Officer at the district level can return the

case to the local Social Worker / Probation Officer at the village level.

At the village level, you can first go to your L.C. 1. The Vice Chairperson handles children's matters. At the village level, you can also report your case to the Para Social Worker. Para Social Workers are trained on probation issues and family matters and are found in all sub-counties.

If the LC1 or the parasocial worker is unable to handle our case they will send you to the Probation Officer at the parish or sub-county level or district level.

At the district level the CDO works on referrals from L.C.1 structures, complainants normally come with an introductory letter from LC1 or a Parasocial Worker.

People who are based in the town centers can look for the CDO at the division level.

### **What happens when cases are referred from one office to another?**

There are several approaches to reporting a case with a Probation Officer.

You can either start at the village level, parish or at the sub-county level where there is a CDO who acts as the Probation Officer. You can go directly to the Probation Office at the district level. If you have a probation matter you can jump all the mentioned levels and take your case straight to the district, the most important thing is for you to get help. You do not have to stick to the standard procedures of starting to report your case at the LC1 or with the Parasocial Worker.

Para-social Workers trained by the Ministry of Gender, Labour and Social Development are found at the village level. They are the first category of social workers that can help in matters related to children or family disputes. Cases can also be taken to the LC1. The local LC I should have all the contact telephone numbers and know the location of the Para-social Worker. If the Para-Social Worker or the LC 1 is unable to resolve the case, s/he will normally refer it to the CDO at the sub-county level.

It is also possible to report a case to the Parish Chief. The Parish Chief can also refer cases to the CDO. There is a Protection Committee at all parish levels composed of seven members who are child rights advocates. Probation cases can also be reported to this Committee. The LC I should have all the contact telephone numbers and know the locations of all the members of the Protection Committee.

### **Procedure for reporting your Case at the Probation Office**

**Step 1:** your case is registered at the probation office, you will be asked;

- a. Your name,
- b. Your village, and

- c. The exact facts of your case or the complaint you have. These will be recorded by the probation officer.

**Step 2:** Your case will be registered in the case management book and the action to be taken will also be noted. It is important for you to agree and know what action the probation officer will take. A file is then opened containing your details and statement.

**Note:**

**Step 3:** The Probation Officer calls the person who has been reported to come to his or her office.

**Step 4:** The person appears before the Probation Officer who hears the case and makes a decision on the course of action to take.

### **Duties of Probation and Welfare Officers**

Probation and Social Welfare Officers play a very important role in the protection of the rights and welfare of children not only in criminal matters but also in civil matters.

**These roles include:**

- a. Attending court in cases involving children;
- b. Carrying out inquiries about children as required by courts;
- c. Submitting social inquiry reports for the courts especially about child offenders and child protection cases;
- d. Supervision of probationers and children;
- e. Supervision of young people after release from the National Rehabilitation Centre
- f. Supervision of Approved Children and Babies Homes;
- g. Tracing, resettlement, and follow-up of Children from Children's and Babies Homes
- h. Investigating reports about abuse of children and taking steps to protect them;
- i. Supporting families or children in difficult circumstances;
- j. Sensitising communities on matters concerning childcare and protection;
- k. Creating systems or mechanisms for the care and protection of vulnerable children;
- l. Providing a link between Non-governmental Organizations engaged in child welfare programs; and
- m. Providing professional information about childcare and protection.

## Possible Offences that Can Be Committed by a Probation Officer or the Community Development Officer

In the execution of their duties, Probation or Community Development Officers may act unprofessionally and commit the following offenses:

- a. Delaying justice;
- b. Connivance or involvement of the probation officer with the accused person or defendant with an intention to fail justice;
- c. Conflict of interest in case management; / having an interest in a case brought to him or her.
- d. Charging of money for services rendered;
- e. Poor time management (late coming);
- f. Corruption; and
- g. Lack of confidentiality / not able to be trusted.

## How to Complain about a Probation Officer or Community Development Officers

If a Probation Officer or Community Development Officer mishandles your case or misbehaves in a manner that affects your case, you can report him or her to:

- a. The Chief Administrative Officer (CAO);
- b. The Deputy Chief Administrative Officer;
- c. The LC V Chairperson of the district or any other elected leaders;
- d. The RDC.

## Key Values in Child (Juvenile) Justice

In working for the care and protection of a child, Probation or Welfare Officers are guided by six values. These are:

- a. Respect for the child's rights;
- b. Community responsibility for childcare and protection;
- c. The best interests of the child ;
- d. To protect the child from the strict and tough court system procedures;
- e. The family and the community as the best place for a child's growth and development; and
- f. Quick handling of cases involving children. It is very important to note that cases involving children must not be delayed.

## Frequently Asked Questions (FAQ)

**Question** Can the probation office provide food for my children?

**Answer:** No, while the Probation Office works to support children it, unfortunately, does not have that kind of money to support the feeding of children.

**Question** I need help, my husband has left us? How can the probation office help me?

**Answer:** The probation officer can help you by summoning your husband to the office to answer as to why he has neglected his parental duty.

**Question: Can a Probation Officer connect us to a sponsor?**

**Answer:** This depends on whether the Probation Officer has such contacts. In some cases, the Probation Officer may not have such information. But where they do they will provide that information to you or refer to an organization that renders such services.

**Question: Who will meet expenses for DNA tests?**

**Answer:** The Probation Office does not have money to meet the expenses of DNA, the complainant has to meet the costs.

**Question: Can a girl child inherit property?**

**Answer;** Yes a girl child can succeed her father and inherit his property.

**Question: Is it possible for a woman to share a husband's property?**

**Answer:** If the woman is a wife according to the laws of Uganda then she is entitled to her husband's property.

**Question: Can the Probation Office sponsor my child for a scholarship?**

**Answer:** No the Probation Office does not have funds for this but there are Non-governmental Organisations that could be contacted for help.

**Question: I am fed up with this child, Can I take this child to Kampiringisa?**

**Answer:** It is only a specific category of children who are taken to remand homes. The Probation Office can help to counsel the child, as they assess the issues facing the child.

**Question: Can the Probation Office counsel my husband?**

**Answer:** Yes the Probation Office can counsel couples

**Question: Can the Probation Office give me money to go back to my village?**

**Answer:** No the Probation Office has limited funds. It, therefore, does not have funds to cater for peoples transport back to their villages.

**Question: How long will the Probation Officer take to hear my case?**

**Answer:** Usually it does not take long. The case should be handled within one month

## **Rights of Children**

Children have the following rights:

- (a) Right to shelter provided by their parents or guardians.
- (b) The right to parental care.

- (c) Right to food and clothing.
- (d) Right to access to medical care.
- (e) Right to education.
- (f) Right to have a name.
- (g) Right to play and leisure.
- (h) Right to practice a religion.
- (i) Right to practice their culture.
- (j) Right not to be involved in armed conflict.
- (k) Right to protection from child labor.
- (l) Right to protection from sexual abuse.
- (m) Right to protection from drug abuse
- (n) Right to protection from torture
- (o) Right to freedom of expression.
- (p) Right to join associations or clubs that deal with child-related matters

### **Responsibilities of Children**

Children do not only enjoy rights but also have responsibilities. The responsibilities of children include:

- a. Going to school and being respectful while at school;
- b. Being disciplined at home and giving respect to parents, elders and fellow children;
- c. Participating in domestic work;
- d. Being responsible at home, school and in the community where they live; and
- e. Avoiding situations where they can be led to commit any crimes;

### **Helping Children Who Have Committed Offenses**

Children below the age of 18 years who have committed or are suspected to have committed a crime are termed as; 'children in conflict with the law'.

One of the duties of a Probation or Welfare Officer is to help Children in conflict with the law.

The offense might be minor such as fighting or it may be a serious one like murder or robbery.

In most cases, the offenses committed by children are not of a serious nature. This may not require taking the children through the strict and tough formal court procedure.

Such cases should be settled within the community with the assistance of Local Council officials or at the Police Station with the Family Protection Unit.

The law requires that children who have committed crime must not be detained in the same room with adult offenders. Also, a female child offender must be under the care and supervision of a female probation officer.

### Ways of Settling Cases involving Children

There are various recommended ways of handling cases involving children without using the court. These are:

- a) Mediation:** a neutral or unbiased person trusted by both the offended person and the offending child and his or her family helps to settle the dispute arising out of the child's offense. A friendly settlement is reached through negotiations.
- b) Reconciliation:** this involves the intervention of other people, such as family members, the two parties are helped to pardon each other.
- c) Restitution:** Involves the replacement of the damaged item with a similar or equivalent one. This method is used where a child has damaged or destroyed or stolen an item. For example, if a child has stolen a chicken, the chicken is returned if it can still be found and if not then a chicken of equivalent size is given to replace the stolen one.
- d) Compensation:** This involves paying back for what has been damaged. For instance, instead of paying back another chicken, the offender is asked to pay the equivalent value of the stolen chicken in terms of either money or other material item.
- e) Taking children to court** is one of the methods of settling cases involving children. This method should, however, be used only for serious offenses and as the last resort. This may involve arresting, trial and giving orders to the child if found to have a case.

The following special procedures apply to a child, who is suspected of committing a crime:

- a) Cases involving children are handled by the Family and Children's Court.
- b) Where a child is charged with an offense that carries a death sentence, the case has to be handled by the High Court.
- c) Where a child is charged together with an adult, the case is handled by the court that has powers to try the adult.

### What Should Happen When a Child is Arrested

When a child is arrested for breaking the law, the following should happen:-

- a) The child's parents or guardians must be informed;
- b) The LC Secretary for Children Affairs who under the law is the Vice Chairperson of the LC must be notified;
- c) A child has a right to make a statement about what happened;
- d) The child's parents or guardians should be present at the police station or post when the child is being interviewed;

- e) In the absence of parents or guardian and the LC Secretary for Children Affairs, the Probation, and Social Welfare Officer must be informed and be present during the interview of the child;
- f) The Police can settle the case without sending it to court;
- g) In case the Police do not settle the case, the child may be released on police bond free of charge;
- h) If the child is not given bond, he or she is kept in a police cell, she or he must be taken to court within twenty-four hours of arrest;
- i) Child offenders must not be accommodated in the same detention room with adult offenders; and
- j) A female child offender must be kept separately from males and must be under the care and supervision of a female officer.

### Charging a Child

Charging a child refers to taking a child to court, reading the case to the child and asking him or her whether he or she accepts committing the crime. In case the child denies the offence, the child is put on trial. If the child accepts having committed the offence, the court will make an order.

### Rights of a Child Accused of Committing an offence

An accused child is one who has been charged. The accused child has rights to:

- a) Be informed of the offense committed.
- b) Ask questions to witnesses testifying against him or her.
- c) Have parents or guardians present at the trial.
- d) Be treated humanely.
- e) Be released on bail by the court.
- f) Be present at the time of his or her trial.
- g) A speedy trial.
- h) Be represented by an advocate.

If the child or its parents cannot afford the services of a lawyer, some organizations offer free legal services. These include the Legal Aid Clinic of the Law Development Centre, FIDA, the Legal Aid Project of the Uganda Law Society and Public Defender.

According to the Children's Act, the Local Government must provide legal services to the child.

### Right to Bail for a Child Offender

An accused child has a right to bail. This means that the accused child is allowed by the court to go home and return to court on the stated date and time. Bail for children is free of charge. The child should obey the conditions of the bail. The court

may require people to stand surety for the child (preferably the child's parents or guardians) with valid identification and a letter of introduction from LCs. In the absence of sureties, the child may also be released on bail on his or her undertaking to obey the bail conditions. It is not only the parents or guardians or lawyer of a child who can ask for bail for the child. The accused child can also personally request the court for bail.

### **What is a Remand Home?**

A remand home is a government institution where children whose cases are being investigated or who are under trial are kept before the conclusion of investigations or the trial. Children should not be remanded with adults. Children who are denied bail are remanded in such institutions. An example is Naguru Remand Home in Kampala, Mbale Remand Home, Fort-Portal Remand Home, kabale remand home and Gulu Remand Home. Remand homes also provide shelter and care for children in need of care and protection. They also provide shelter for homeless children referred to as lodgers.

### **Rights of a Child on Remand**

Children on remand are entitled to enjoy their basic rights both as children and human beings except those that cannot be enjoyed because they are on remand. The rights children on remand can enjoy include:

- a) Female children should be separated from male children;
- b) A female child offender must be under the care and supervision of a female officer;
- c) A child on trial for a capital offense should not be on remand for more than six months;
- d) A child on trial for a non-capital offence should not be on remand for more than three months; and
- e) If the case is not concluded within the stated time, the court should release the child.

### **What Should Happen When a Child Has Been Sentenced to Imprisonment**

When a case is proved against a child in a criminal trial and they are sentenced to imprisonment, he or she is taken to the National Rehabilitation Center. This however, can only be done after a Probation and Social Welfare Officer has written a social background report about the child.

The National Rehabilitation Centre is charged with the responsibility of rehabilitating the convicted children into useful citizens. Presently, the only National Rehabilitation Centre is found in Kampiringisa, along Kampala-Masaka road.

While in detention at the Centre, children undergo training in vocational skills. Children in the Center have a right to be visited by their parents and relatives. A child under six years should not be detained for more than three months while a child above sixteen years should not be detained for more than twelve months. However, in case a child was convicted of committing an offense punishable by death, the child is detained for not more than three years.

**Note:** Ministry of Gender on the SAUTI (Voice) runs a toll-free number 116 that one can call for all matters related to children. All probation services are free of charge.

### Organizations that May Help with Matters Concerning Children

In the districts, there are other organizations that work to support children like Uganda Red-Cross, Save the Children, World Vision, and FIDA Uganda. Local and international organizations also provide advice. If they do not have programs that support children, they can refer you to another close-by organization that supports children.

**Caution:** It is important that when reporting a case to the Probation Office to inform the Probation Officer where else you have reported the case or which other institution you intend to report the matter to because when the same case is handled by different stakeholders and there is no proper coordination amongst the stakeholders it creates confusion and duplication of work

**Advice:** It is important to attend community public meetings organized by the Judicial Service Commission or by the Probation Office where community dialogues and sensitization on all matters related to children and other family issues are discussed.

### Frequently Asked Questions (FAQ)

**Question** Do we need to pay for services at remand homes?

**Answer:** No fees are required.

**Question** Will my husband or partner be imprisoned in case I report him to the probation office?

**Answer:** It depends on the facts of the case at hand. The Probation Officer has the competence to determine if the matter should be handled by Police.

**Question** At what age can a child be removed from its mother?

**Answer:** The law states that a child below the age of 7 years is supposed to stay with its mother.

**Question On what grounds would a court decide on the custody of a child?**

**Answer:** While both parents are entitled to an equal sharing of custody Court will normally decide based on the best interest of the child. If the child is very young most times the mother will be given custody with visitation rights being given to the father. Other factors also influence custody like sanity, a record of responsibility.

Contacts:

**Ministry of Gender, Labour and Social Development**

**George Street on Nakasero Hill in the Central Division of Kampala,**

**P. O. Box 7136, Kampala, Uganda.**

**Switchboard: 041-4 347854, 041-4 347855;**

**Permanent Secretary:**

**041-4 343572;**

**E-Mail: [ps@mglsd.go.ug](mailto:ps@mglsd.go.ug)**

**Website: [http:// www.mglsd.go.ug](http://www.mglsd.go.ug)**

**Facebook: <https://www.facebook.com/mglsd/>**

**Twitter: [https://twitter.com/Moglsd\\_UG](https://twitter.com/Moglsd_UG)**

## **Family Justic**

Family justice deals with what should happen when there are changes in a setting of a family, such as; death, separation or divorce of a husband and wife, land wrangles and other forms of disagreements within a family.

## **Succession**

This is the law that deals with the belongings or property of a person after their death. When a person passes away, they usually leave behind property, children, a spouse, dependant relatives and sometimes debts and other obligations.

Many times, families get into disagreements as to how the property of a deceased person is to be distributed among his or her children, spouse(s) and other dependent relatives or even which debts should be paid and using which money. This has often resulted in quarrels, bitterness, violence, grabbing of property belonging to the deceased's family and dependants, and dissatisfaction in the way the affairs of the deceased are handled: thus leading to instability in the family.

The law provides for how the property of a deceased person should be divided among his people such as , the lineal descendants: these are the children and other dependent relatives such as parents, aunties, uncles, brothers, sisters, grandparents or grandchildren of the deceased who were dependent on the deceased to provide the necessities of life.

It is advisable for every adult above the age of twenty-one to write a will to give instructions on his last wishes after death and also indicate how his or her property should be distributed. This is because a person is the one in the best position to know the property he or she owns and who should be entitled to what part of the property of the deceased.

**What Is a Will?** A will is a written document showing how one's property should be divided upon his or her death. Anyone above the age of 21 and in their right state of the mind can make a will. A will must cater for all the children, wives, and dependents of the person making it. If one believes that they are entitled persons to the deceased person's property and that adequate provision has not been made for them in the will, they can file an application in court on their own or through an advocate to have the appropriate provision made for them.

### **Who is an Entitled Person to the Deceased's Property?**

The following persons are entitled to benefit from the estate of a deceased person:

#### **A widow/widower**

A widow is a legally married woman whose husband has died and has not remarried. A widower is a legally married man whose wife has died and has not remarried.

#### **Children of the Deceased**

A child for purposes of succession includes any children born of the deceased, whether in marriage or out of marriage, as well as adopted children no matter how old they are.

#### **Dependant Relatives**

These include a wife, a husband, son or daughter who is wholly or substantially dependent on the deceased, or a parent, brother, sister, grandparent or grandchild of the deceased who is wholly or substantially dependent on the deceased for the necessities of life.

### **Types of Wills**

#### **Privileged Will**

This will is made by a soldier / combatant aged eighteen years and above engaged in actual warfare or a mariner at sea. A privileged will may be oral or written and it does not need to be signed or witnessed.

### **Unprivileged Will.**

It is a will made by any normal adult person above twenty-one years of age.

### **Contents of a Will**

A Will must comprise the following requirements:

- It must be in writing;
- It must name the testator, that is the person making the will;
- It must have a date on which it is made;
- It must have at least two (2) witnesses who should be above 21 years of age, and who must not be beneficiaries of the will;
- It must mention the properties of the deceased;
- It must mention the executor, that is, the person to effect the wishes of the deceased as stated in the will;
- It must mention the people to whom the properties under the will are being left, as well as their addresses;
- It must mention the amounts owed in debt by the will-maker mentioning the people or companies owed;
- It must state the people or companies that have money of the will-maker;
- The will-maker should make the will under free will and with a sound mind;
- The will must be signed by the testator (will-maker);
- The will must be signed by at least two witnesses; and
- The will should be kept confidential until after the death of the testator (will-maker).

### **Effects of Marriage On a Will**

If one makes a will while unmarried, the will is revoked/canceled upon entering into a marriage, unless it is clearly stated in the will that it is intended to remain valid after marriage. In this case, the phrase “In anticipation of marriage to .....”, stating the name of the intended spouse should be included in the will to show that it is being made in anticipation of marriage to the person stated therein.

### **Effects of Divorce On a Will**

Divorce does not necessarily make a Will invalid. However, the effect of divorce is that neither of the divorced partner can share in the property of the other upon his or her death. If a man dies after divorcing his wife, the wife is not entitled to share part of the property of her late husband likewise, if the woman dies after the divorce from her husband, the husband cannot be entitled to share in the late wife's property.

In the same way, if a spouse is legally separated from the other at the time of death, the separated spouse cannot share in the property of the deceased husband or wife.

## When to Change a Will

- A Will made while one is still unmarried should be changed upon marriage.
- If one has more children after making a Will or acquires more dependants, the Will should be changed to cater for them.
- If one acquires more property after making a Will, it should be changed to include the new property.

## How to Change a Will

A Will can be changed by making another will.

The old will shall then not be considered and its the new one that is considered as the valid will. A person may change all or part of the earlier will. It can also be changed by drafting an additional document stating that it is intended to be an addition to the will last made. If a person makes two or more wills, only the last one is valid.

## Where Can a Will Be Kept

A Will contains sensitive information which can cause violence and disputes. It should, therefore, be kept in safe custody and confidentiality of its contents maintained until after the death of its maker. Examples of such places of safe custody include banks, courts, lawyers, religious leaders or trusted friends.

## What happens if a person dies without making a will

If a person dies without making a Will, the property left behind by the deceased is distributed amongst the beneficiaries according to the law set out in the Succession Act under the laws of Uganda. The Administrator General can give guidance on how this should be done.

In respect to parties whose marriage was conducted under Islamic law, the distribution of the property of the deceased will be determined according to the Islamic customs under the guidance of the Khadi courts.

The residential home in which a wife resides with the children of the deceased is not to be considered under the property to be distributed for purposes of succession. This does not apply to a wife or husband of a deceased who had been separated or divorced from the deceased at the time of his death.

## Procedure for Succession

The widow or widower, children, relative or any person selected by the family of the deceased can apply for Letters of Administration to take charge of distributing property under the deceased's estate where there is no will. The person selected by the family to apply for letters of administration to the estate of the deceased is referred to as the personal representative of the deceased.

In most cases, the widow or widower is given priority to apply to the court for Letters of Administration without first seeking permission or what is called a certificate of **No Objection** from the Administrator General's office.

It should be noted, however, that one can only apply for Letters of Administration after seven days from the date the death of the deceased occurred.

### Application for Letters of Administration If There Is No Will

After the death of an adult, a family meeting should be convened, normally by the head of the family or the clan head in the presence of a representative from the Administrator General's Office to ascertain whether the deceased left behind a Will, property, any debts and dependants recognised by law. Minutes of the clan meeting should be recorded and a file opened at the Administrator General's Office.

#### **The process for applying for Letters of Administration is as follows:**

1. A report of death should be made to the Administrator General or the Chief Administrative Officer of the area by producing a death certificate or other proof of death.
2. The Office of the Administrator General then grants a Certificate of No objection.
3. The choice of the Court where to apply/petition for the Letters of Administration depends on the approximate value of the Estate of the deceased.
4. Where the value of the Estate is estimated to be above Ugx 50,000,000, apply to the High Court.
5. Where the value of the Estate is estimated to be beyond Ugx 20,000,000, apply to the Chief Magistrate.
6. Where the value of the Estate is estimated to be below Ugx 20,000,000, apply to the Magistrate Grade I Court.
7. An application/petition is made to Court by the person (s) the Administrator General has mentioned in the Certificate of No Objection as the one selected to administer the estate of the deceased.
8. A notice of application for letters of administration is then publicized in the gazette or a newspaper with wide coverage for fourteen days.
9. Once a petition is filed in court, anyone who wishes to object to granting of letters of administration to the administrators appointed therein may lodge a

caveat in court, and thereafter file a statement in court justifying why the letters of administration should not be granted.

10. Where no person objects to the notice, the Court will identify the applicant (s) physically and grant them letters of Administration.
11. Upon obtaining letters of administration, the persons named as administrators should then go ahead to administer the estate and which includes paying off debts owed by the deceased's estate, collecting money owed to the estate and distributing the property of the deceased among entitled persons.
12. The administrators of the estate of the deceased must periodically file an inventory on the administration of the estate.

**Note:**

The filing fee for the application for the Letters of Administration is payable in the bank and a receipt given for it.

**What happens if a deceased person left a will?** If a deceased person at the time of his or her death had made a will and it is established that the will is valid. The person named in the will as to be the one to manage the affairs of the maker of the will upon his death will be the one to distribute his or her property. In law, this person is called the executor of the will of the deceased.

The executor/executrix may apply either on his or her own or through an advocate for grant of letters of Probate in the High Court. This application is by way of petition.

The Petition must be in English, and accompanied by the Will of the deceased if it is in English, and where it is in any other language, a translation in English.

Any person who objects to the granting of Letters of Probate to the executor named in the will may file a caveat in court, followed by a statement giving reasons why the letters of probate should not be granted.

Where there is no objection to the application for letters of probate, the court shall grant probate to the executor of the will and upon receiving the letters of probate, the person shall be in position to manage the affairs of the deceased person. The executor of the will is then taken as the personal representative of the deceased person in all matters concerning the late.

**What are the duties of a legal representative?**

After a grant is made by court, the administrator of an estate or executor of the will collects all the deceased's property, credits and pays from the estate all the genuine debts left by the deceased. Other duties include:

- To perform funeral rites of the deceased in a manner suitable to his or her conditions, if the deceased left property sufficient for that purpose.

- Exhibit an inventory within six months to court, containing full and true estimate of all property, all credits and all debts owing by any person.
- Exhibit an account of the estate showing the assets which have come into his or her hands and showing the manner in which they have been applied or disposed of.

### **What are the powers of a personal representative?**

The administrator of the estate or executor/executrix of the will becomes a personal representative of the deceased person and has the following powers:

- All property of the deceased vests in the personal representative and his or her assent (agreement) is required before any title can pass.
- The assent of the executor or administrator may be Verbal and it may be either express or implied from his or her conduct
- The executor or administrator may sue and be sued in his or her name for any matter related to the deceased's estate.

### **What is the liability of an Executor or Administrator?**

Should the executor or administrator misuse or misappropriate the property of the deceased, or negligently causes loss to the estate, he or she is liable to compensate the estate for the loss or damage occasioned.

### **The role of the Administrator General.**

- The Administrator General is the administrator of all small estates (valued at not more than 50M/=) and may take over and administer it without letters of Administration.
- The Administrator General may take over the property of the deceased person when he or she is of the opinion that it is in danger of being lost, stolen or destroyed.
- He or she may charge any person who, without authority of court or of the Administrator General interferes with the property of the deceased person or refuses to deliver such property to him or her.
- A person who has been carrying on business with the deceased who fails to report details of a partnership to the Administrator General commits an offence.
- The Administrator General, even after letters of administration have been issued, may petition Court to revoke/ cancel Letters of Administration or Probate where there are reasons to do so.



## CHAPTER FIVE:

### LAND RIGHTS AND JUSTICE

#### Introductio

Many communities in Uganda live and derive sustenance from the land. It is therefore fitting that the law sufficiently protects land and access to it.

In general terms, land means any ground, soil, earth; and includes buildings on the land, fixtures attached to the land whether by course of nature such as trees, mines, water, minerals, and airspace. In Uganda land belongs to the citizens of Uganda and vests in them under the four landholding systems provided by the Constitution, which are:

- **Customary land Tenure**

This system is regulated by customary rules which are limited in their operation to a particular description or class of persons. It has no land title yet. This is Land that is communally owned by a particular group of people in an area. Eg clan land, tribal land

- **Freehold Land Tenure**

Land with a title and it is owned exclusively by registered owner forever. Owner can pass it on to whoever he/she desires. This type of land ownership was set up by an agreement between the Kingdoms and the British Government. Grants of land in freehold were made by the Crown and later by the Uganda Land Commission. Currently this is the type of land owned by Uganda Land Commission, District Land Board etc

- **Mailo Land Tenure**

This land has a title just like freehold. It is commonly found in Buganda as a result of the Buganda Agreement of 1900. This type of land ownership is common in the Central region of Buganda and some parts of Western Uganda

- **Leasehold Land Tenure**

Holding land for a given period from a specified date of commencement, on such terms and conditions as the two parties agree. For example lease granted by the town council, district land board or Uganda land commission or even an owner of land in freehold or mailo tenure can lease out their land for a specific period of time.

- **Condominium property**

This is a relatively new system of land ownership in Uganda. It is a system of ownership of individual units in a multiple storey building, the individual units of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those units.

Land is central to human existence and contributes greatly to our social-economic change and development as a people and the country. Uganda's National Land Policy of 2013, presents several reforms geared towards streamlining the land sector that contributes to growth in agriculture, industrial and other productive sectors.

It is therefore important that persons who hold an interest in land should know the laws that regulate ownership and use of land in Uganda, and relationships that exist amongst people on land.

### **Occupancy on land other than the main tenures of land ownership**

The law creates two main types of occupancy on land namely, lawful and bonafide occupants. These tenants can be understood by their characteristics, listed below against each of them as defined by the law:

#### **Lawful Occupant**

A Lawful occupant does not have a title to the land he/she is occupying but occupies the land based on the repealed Busuulu and Envujjo Law of 1928 or the Toro Landlord and Tenant law of 1937; or the Ankole Landlord and Tenant Law of 1937; or occupies the land with the permission of the registered owner e.g. a buyer; or occupied the land as a customary tenant but his/ her tenancy was not disclosed or compensated for by the registered owner at the time when the registered owner was acquiring the certificate of title.

#### **Rights of a Lawful Occupant**

##### **A lawful occupant:**

- a) Enjoys security of occupancy;
- b) Has priority to buy the land if the registered owner wants to sell the land;
- c) May acquire a certificate of occupancy by applying to the registered owner;
- d) May sub-let, sub-divide and give away by will the interest in the land with the permission of the registered owner;
- e) May assign, pledge and creates 3rd party rights in the land with the consent of the registered owner;
- f) May end the occupancy by leaving the land or by removing developments on the land; and
- g) May change occupancy into freehold, mailo, lease or sublease.

## **Bonafide Occupant**

A bonafide occupant does not have a title to land that he/she is occupying and no one has challenged his occupation. S/he must have occupied and utilized the land for twelve years or more before the coming into force of the 1995 Constitution. The registered owner of the land or his/her agent did not challenge or ask the landholder to leave the land during this period.

## **Rights of the Bonafide Occupant**

### **A bonafide occupant:**

- a) Enjoys security of occupancy;
- b) Has priority to buy the land if the registered owner wants to sell the land;
- c) May acquire a certificate of occupancy by applying to the registered owner;
- d) May assign, pledge and creates 3rd party rights in the land with the consent of the registered owner; and
- e) May change occupancy into freehold, mailo, lease or sublease upon purchase.

### **Note**

The law only protects lawful and bonafide occupants on registered land. A squatter is not protected by the law. However a squatter may have exclusive ownership of the land he or she has settled on if the person remains on that land and exclusively uses it without any interruption from the owner of the land for a period of 12 years and more.

To qualify to be a bona fide occupant, one must have settled and utilized the land unchallenged by the registered owner for twelve years or more before the coming into force of the 1995 Constitution. Thus, he/she must have settled and used the land before 8th October 1983.

## **Rights of Special Interest Groups**

Land law provides special protection for the marginalized people who include spouses (a spouse is a man or woman in a lawful marriage) and persons with disabilities.

## **Rights of Persons with Disabilities**

If any decision is taken in respect to land, if that decision stops a person with a disability to own or use land then that decision is bad and cannot stand.

## Rights of non-citizens

A non-citizen is a person who is not a citizen of Uganda. He/she may hold a lease of five or more years but not more than ninety-nine years. A non-citizen is not allowed to own land under freehold or mailo tenure; and or communal tenure.

## Restriction on transfer of Family Land

The law generally creates restrictions on the transfer of family land to protect family land from fraudulent transactions. Thus family land means:

- a) land on which the ordinary residence of the family is situated;
- b) land on which the ordinary residence of the family is situated and from which the family gets sustenance;
- c) land which the family freely and voluntarily agrees shall be treated to qualify as above; and
- d) land which is treated as family land according to the norms, culture, customs, traditions or religion of the family.

If the spouse wants to sell, lease, exchange, transfer or give away land as security for a debt, he/she must get written consent or permission of his wife or her husband before doing so.

In case the property/land (family land) is sold without this consent, the sale can be set aside by the courts of law.

## Understanding Land Eviction

As stated above, the Constitution allows for ownership of land under four tenure systems namely; Mailo, Freehold, Leasehold, and Customary. The registered owner or customary owner of that land is commonly known as the Landlord. On registered land, there may be other people occupying and utilizing the land other than the Landlord. These people are known as Tenants. They too are protected by the law from being illegally evicted. Many times, however, they have been illegally evicted.

## When is a Land Eviction Illegal?

An illegal eviction is any forceful removal of a tenant, directly or indirectly, without the court first agreeing i.e without a court order. An Illegal eviction may involve the threat or use of violence; a landlord's attempt to make the land difficult to live on in the hope that the tenants will leave. No matter what the issue is between the tenant and landlord, as long as the Landlord does not get a court order, then his/her actions become an illegal land eviction.

## An Overview of Land Eviction

Below are the general provisions of the land law regarding land eviction

1. In the landowner and tenant relationship, the tenant shall pay an annual nominal ground rent to the landowner. The amount is no longer 1,000/= as most people still believe, but the amount is determined by the District Land Boards (DLBs). If DLBs delay or fail to determine the nominal ground rent, then the Minister responsible for Lands may determine the rent. In November 2011 the Minister responsible for Lands approved rent for all districts in the country.
2. Non-payment of annual nominal ground rent is the only ground for the eviction of tenants. However, the landlords have to serve eviction notices to tenants who fail to pay after a period of one year to show cause why the tenancy should not be terminated. If the tenant disputes the notice, he or she may refer the matter to the court within a period of six months after the date of service of the notice by the registered owner.
3. If the tenant does not challenge the notice within the prescribed period or pay the outstanding rent within one year from the date of the notice, the registered owner applies to the court for an order to terminate the tenancy for non-payment of rent.
4. The court in granting or giving eviction orders, gives the date, being not less than six months after the date of the order, by which the person to be evicted is required to leave the land. The court may also grant any other order on expenses, damages, compensation or any other matter as they deem fit.
5. **Note:** A person who attempts to evict, evicts or participates in the eviction of a lawful or bonafide occupant from registered land without an order of eviction commits an offense and is liable on conviction to imprisonment not exceeding seven years.
6. Any tenant who sells his/her "Kibanja" without giving the first option of buying the "Kibanja" and taking the assignment of the tenancy to the landowner commits an offence and is liable to imprisonment not exceeding 4 years or a fine of UShs.1,920,000/= or both, and will forfeit his/her rights to the landowner.
7. Where the registered owner gives consent to the tenant by occupancy to sell his or her rights of occupancy to a third party, the tenant by occupancy shall introduce the third party to the landlord.
8. A change in ownership of title effected by the landowner through sale, donation or as a result of succession does not in any way affect the existing lawful interests of the lawful or bonafide occupants and the new landowner is obliged to respect the existing interests he/she finds on the land.

## General Rights and Obligations of Land Owners

The law creates rights and obligations relating to the type of landholding. For landowners these generally include:

- a) The Customary, Mailo and Freehold owner owns the land forever. The Leasehold proprietor owns the land for a given time under terms and conditions specified in the lease agreement;
- b) May sub-lease, mortgage, pledge or sell the land;
- c) May sub-divide the land for purpose of sale or any other lawful purpose;
- d) May pass on the land to anybody by will or gift;
- e) Is entitled to be given the first option to buy out the interests from tenants by occupancy who may be on that land and willing to sell;
- f) Must recognize the rights of the lawful and the bonafide occupants if they exist on his/ her land and their developments on the land;
- g) Must recognize the rights of the successors of the Lawful and Bonafide Occupants; and
- h) Uses land under other policies and laws governing land use.

## General Rights and Obligations of Tenants

For tenants, the laws provides that they:

- a) Enjoy the security of occupancy on the land he/she occupies;
- b) Must pay annual nominal ground rent to the landowner;
- c) May acquire a certificate of occupancy by applying through the Landowner;
- d) With permission of the Landowner, a tenant may sublet and /or subdivide the kibanja;
- e) May assign, pledge and create 3rd party rights in the land with the consent of the Landowner; and
- f) May end the occupancy and return the Kibanja to the Landowner.

## Settling Land Disputes

Disputes or disagreements are common in many communities. If you have a land matter, the first court is the Local Council Court II (LC2) of your parish. If you are not happy with the decision of that court, then you can appeal to the Local Council Court III (LC3) of your sub-county or division. If further dissatisfied, then you can appeal to the Chief Magistrates Court of your area.

## CHAPTER SIX:

### GENDER EQUALITY AND RIGHTS OF WOMEN IN THE ADMINISTRATION OF JUSTICE

#### Introductio

The Constitution of Uganda prohibits discrimination on the grounds of sex, race, color, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability. Thus any unjust or prejudicial treatment of different categories of people on these grounds is unlawful.

Recognizing the need to address cultural and social causes of unjust treatment of women, the Government of Uganda has developed several initiatives to promote gender equality. Among these initiatives are the Gender Policy and the National Development Plan which also serve as foundations for gender equality and the empowerment of women. These documents require all judicial organs as well as ministries, agencies, and departments of Government to discharge their duties in a non-discriminatory manner that is fair and equal for all persons.

The Constitution also recognizes that certain groups are marginalized based on among others, their sex or gender and provides specific protection measures in favor of such groups to address any imbalances.

#### Rights of Women

The Constitution of Uganda highlights specific rights/entitlements of women which must be upheld by all organs and agencies of Government and by all persons. These include; enjoying equal dignity and treatment as men, special protection of women's unique status such as mothers, providing women access to facilities and opportunities to improve their welfare, prohibiting laws or cultural practices that affect the dignity of women.

Also, the law provides special protection for women when interacting with the justice system. For instance, in conducting an arrest or a search, a woman can only be searched by an authorized woman or female prison officer. When arrested, female prisoners have to be kept apart and confined in separate prisons and generally, must be under the care, custody, and supervision of a female prison officer.

Where a female prisoner is admitted with an infant (below 18 months), the law also protects the infant by providing that they must be supplied with clothing and other necessities by the Prison Authorities. Similarly, a female prisoner, pregnant prisoner or nursing mother may be provided with special facilities needed for their conditions.

The Constitution also prohibits discrimination against women in a marriage setting. It recognizes that both men and women have the right to marry and to form a family and are entitled to equal rights in marriage. The court has ruled that it is illegal to demand a refund of bride price before ending a customary marriage. Also, a married woman has the right to have access to and live on family land, as well as the right to consent to the sale of such property. A married woman also has a right to inherit her husband's property.

Despite such laws, however, the reality is that women continue to face inequality and discrimination in society compared to men. Discrimination is still rooted in unequal gender relations and stereotypes that impede women from enjoying their rights on an equal basis with men, especially in local communities. Therefore, all justice actors including Judges, prosecutors and lawyers play a crucial role in addressing injustices and violence against women and girls.

### **Elements of Gender-Based Violence and Discrimination**

Gender-based violence is a form of discrimination against a person based on their sex or gender. The law prohibits discrimination of any kind although it is a common occurrence in our society. In some instances, cases are reported to the relevant authorities, many go unreported and therefore many victims suffer in silence. Sexual Gender-Based Violence (SGBV) has been understood to apply only to women and children, however, men and boys can also be victims.

Incidences of Gender-Based Violence (GBV) vary and may be difficult to identify due to many factors such as cultural beliefs. For instance, women may not be allowed to engage in gainful employment or income-generating activities especially by their spouses. Also in some societies, it is generally accepted that a man has the right to beat his spouse while in some communities girls may not be allowed to go to school. In other incidents the girl-child is denied a share in the property of her father or mother

It is therefore important that communities know what amounts to gender-based violence, how to prevent it and where to seek help if anyone is a victim of this violence. It is widely known that most perpetrators/doers of gender-based violence are people who have some degree of control on the victims such as parents to children, teachers to students, employees to workers, law enforcement agencies like the Police against civilians, and most commonly husbands towards wives. It is for this reason that many cases usually go unreported, and those that are reported end up being settled out of court without ensuring justice for the victim. Cases of such violence should, therefore, be reported to the nearest police station in your area and a statement recorded from the victim and witnesses.

Many laws protect victims of gender-based violence which you should be aware of to be able to identify and protect yourself from abuse, as well as seek help if you are already a victim of such violence.

## Categories of Sexual and Gender-Based Violence

Gender-based violence may be in any of the following forms:

### Sexual Violence

Sexual violence includes forcing someone or intimidating them to perform sexual acts such as; , forcing someone to have sex when they are sick, in their menstrual period or while still healing from childbirth, or in any other way that they are uncomfortable with, as well as having sex with a person below the age of eighteen.

Most incidences of sexual violence in marriage go unnoticed or unreported and these can cause serious psychological and physical damage/harm.

Examples of sexual violence include:

- Rape: This refers to unlawful sexual intercourse with a woman without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind or by fear of bodily harm, or by means of false representations as to the nature of the act, or in the case of a married woman, by personating her husband.
- Incest: This is where one engages in sexual intercourse with a relative such as a parent, a brother or sister, an aunt or uncle, or a grandparent or child.
- Defilement: This means unlawful sexual intercourse with a person under the age of eighteen years. A person under the age of eighteen years is a child according to the law and is therefore not capable of consenting to sexual intercourse.
- Indecent assault: This includes vulgar insults or suggestions made to someone against their will, unwanted sexual advances and touches, invasion of privacy such as peeping at one while they are naked, among others. It also includes unwanted sexual advances.
- Trafficking for sexual purposes and forced prostitution.
- Denial of the right to access contraception or other family planning methods.
- Traditional or cultural practices such as female genital mutilation, child marriages, and wife inheritance, among others.

### Economic Violence

This refers to any activity that can cause economic harm to an individual such as property damage, restriction from access to education, financial resources, access to the labor market or refusal to fulfill obligations with financial implications such as child support, alimony, among others.

## Social Violence

This refers to acts that have a negative social impact. discriminatory negative impact on an individual's right to social bearing on the rights of an individual. These include discriminatory acts such as:

- Gender-based discrimination
- Denial of access to education to the girl child
- Denial of access to maternal health services such as pre and postnatal care as well as child delivery in a medical facility
- Workplace gender-based discrimination

## Psychological Violence

This refers to any acts which can cause psychological harm to an individual such as verbal insults, desertion, coercion.

## Other Forms of Gender-Based Violence

Some acts of sexual violence are criminal offenses, which means that they are offenses against the Government and they are therefore prosecuted by State Attorneys under the office of the Director of Public Prosecutions ( DPP). The complainant is not obliged to pay any money to the Police, State Attorneys or court officials. Victims of such acts should report the acts to the nearest police station.

Examples of these criminal offenses include the following:

- Common Assault: This attracts a maximum prison sentence of two years. Examples of common assault include wife-beating, among others.
- Assault Occasioning Actual Bodily Harm: This includes all acts of physical violence occasioned on an individual which inflict pain such as wife-beating. This offense attracts a prison sentence of five years.
- Acts Intended to Cause Grievous Bodily Harm: This include harmful traditional practices such as female genital mutilation. This offense attracts a sentence of life imprisonment.
- Threatening Violence: This attracts a year's prison sentence
- Indecent assault, this refers to sexually touching another person without their consent. For example touching of genitals or breasts of a woman deliberately without her permission.
- Incest, for example an uncle or father having sexual relations with their daughter, or a brother having sexual relations with his sister or cousin.
- Rape: which attracts life imprisonment
- Attempted Rape
- Defilement: occurs where a man has sexual intercourse with a girl below the age of 18 years. This may also take the form of early marriages against which the law provides recourse for the victim.

- Aggravated Defilement
- Child Neglect. This attracts a prison sentence of two years.

## Domestic Violence

Domestic violence includes all forms of violence inflicted within the home environment. Home environment ( persons not married but living together as though married, house helpers and relatives living in the home. Examples include spouse beating, being locked outside the home, refusing a spouse to use land to produce food, refusing a spouse to work, being denied food, being denied the right to use contraception or other family planning methods, marital rape and any other form of sexual violence, emotional torture such as insults, among others.

The law provides for a mechanism for victims of domestic violence to obtain relief in Local Council Courts. The courts have the power to make the following orders for the victim or against the perpetrator:

- Caution
- Apology to the victim
- Counseling
- Community service
- A fine not exceeding twenty-five currency points
- Compensation
- Reconciliation
- Declaration
- Restitution
- Attachment and sale of property
- Or any other order provided by the Local Council Courts

Local Council Courts are required by Law to hear cases of Domestic violence within forty-eight hours of a complaint being filed.

Victims of domestic violence can report cases of domestic violence to the Police who are charged with the responsibility to:

- Assist the victim which may include guidance in obtaining shelter where necessary
- Record a statement and investigate the matter for purposes of instituting criminal proceedings
- Ensure that the victim undergoes a medical examination and obtains medical treatment where signs of physical or sexual violence are evident, and advise the victim on their right to apply for relief under the Act or to institute criminal proceedings

A victim of domestic violence may also apply for a protection order from the Magistrates Court which must also hear the application within forty-eight hours.

*Figure 11 – Domestic Violence*



*Figure 12 – A woman reporting a case of Domestic Violence*



### **Female Genital Mutilation**

It is an offense for one to carry out on oneself or another an act of Female Genital Mutilation. Any person who engages in such an act risks facing imprisonment of ten years on conviction.

Aggravated Female Genital Mutilation is punishable by life imprisonment on conviction. Aggravated Female Genital Mutilation occurs where:

- Death results from female genital mutilation or
- The offender is a parent, guardian or person having authority or control over the victim or
- The victim suffers from disability or
- The victim contracts HIV as a result of female genital mutilation, or
- Female Genital Mutilation is done by a health worker.

Also, one who aids and abets Female Genital Mutilation, that is by way of coercing, threatening, inducing, or under false pretense carrying out this act commits an offense.

All cases of Female Genital Mutilation should be reported to the Police. Failure to report such case is an offence. The law provides that a person who knows that an act of Female Genital Mutilation has been or is about to be carried out must report the matter to police or any other authority, failure of which he or she is liable to pay a fine not exceeding twelve currency points or to imprisonment not exceeding six months or both.

In case someone is or is suspected to be in danger of becoming a victim of Female Genital Mutilation, a Protection Order may be applied for from the Magistrates' Court. This can be done by reporting to the nearest police station, in particular, the Child and Family Protection Division for assistance, which will take up the matter.

### **Sexual Gender-Based Violence in Employment**

The law prohibits discrimination in form of distinction, exclusion or preference made on the basis of, among others, sex impairing the treatment of a person in employment or occupation, or of preventing an employee from obtaining any benefit under a contract of service.

Sexual Gender-Based Violence at the workplace may be in any of the following forms:

- Sexual harassment.
- Denial of maternity leave.
- Withholding of salaries for female employees on maternity leave.
- Unlawful dismissal on grounds of pregnancy or other gender-related ground.
- or any other form of violence and discrimination in the workplace.

Such acts are prohibited by law. Victims can file complaints in court or with the Ministry of Gender, Labor and Social Development.

### **Trafficking in persons**

The transboundary crime of Trafficking in Persons is another form of Sexual Gender-Based Violence which is on the rise. This crime should be reported to the nearest police station. The acts listed below are considered to amount to trafficking in persons. These are:

- recruiting, transporting, transferring, harboring or receiving a person,
- using force, threats, fraud or abduction or using a position of power or control over a vulnerable person,
- or the giving or receiving of payments or benefits to achieve the consent of a

person having control over another person, for the purpose of exploiting that person; or

- recruiting, hiring, maintaining, confining, transporting, transferring, harboring or receiving a person or facilitating the above mentioned acts through force or other forms of coercion for the purpose of engaging that person in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude, death bondage, forced or arranged marriage.

The punishment for the offense of Trafficking in Persons is a prison sentence of thirteen years, or life imprisonment in the event of Aggravated Trafficking in Persons where any of the following occurs:

- Where the victim of trafficking is a child:
- Where adoption, guardianship, fostering and other orders concerning children are undertaken for exploitation:
- Where the offense by a syndicate, or on a large scale:
- Where the offender is an organization engaged in the activities of organizing, directing or protecting the vulnerable persons in society:
- Where the offender is engaged in organizing or directing another person or persons to commit the offense,
- Where the offence is committed by a close relative or a person having the parental care, authority or control over the victim or any other person:
- Where the offence is committed by a public officer;
- Where the offence is committed by military personnel or law enforcement officer;
- Where the person organizes, facilitates or makes preparations for the kidnapping, abduction, buying, selling, vending, bringing from or sending to, receiving, detaining or confining of a person for purposes of harmful rituals or practices, human sacrifice, removal of any body part or organ, or any other act related to witchcraft, or
- Where the victim dies, becomes a person of unsound mind, suffers mutilation, gets infected with HIV/ AIDS or any other life-threatening illness.

### **Duty to Report Cases of Trafficking in Persons**

Every member of the community, who knows that a person has committed or intends to commit an offense of Trafficking in Persons must report the matter to the Police or other authorities for appropriate action. Failure to report such matters to the authority amounts to a criminal offense which attracts a fine of five thousand currency points or a prison sentence of six months, or both on conviction.

The Anti Human-Trafficking Desk at the Ministry of Internal Affairs manned by the Uganda Police Force can assist members of the public with any matter relating to Trafficking in Persons.

Please contact the Trafficking in Persons Department on address below:

**Ministry of Internal Affairs**

**Plot 75, Jinja road.**

**P. O. Box 7191, Kampala**

**Tel: +256414595945**

**Fax: +256 424 434 088**

**Email: [info@mia.go.ug](mailto:info@mia.go.ug)**

## CHAPTER SEVEN:

### OTHER INSTITUTIONS IN THE ADMINISTRATION OF JUSTICE

#### Introduction

There are other institutions that form the Justice Law and Order Sector (JLOS) whose mandate is to administer justice, maintain law and order and uphold human rights. We discuss the roles of these institutions in this final Chapter.

#### Ministry of Justice and Constitutional Affairs

The Ministry of Justice is the institution mandated with the smooth running of the justice sector in Uganda. It is composed of various institutions among which include the Attorney General, the Administrator General and the Uganda Law Council.

Let us briefly discuss the roles of these institutions.

#### Office of the Attorney General

This office is headed by the Attorney General who is appointed by the President with the approval of Parliament. The Attorney General also doubles as a Cabinet Minister. For a person to be appointed to this post, he or she should have practiced as a lawyer for not less than ten years.

The following are some of the functions of the Attorney General:

- To give legal advice and legal services to the Government on any subject;
- To draw and peruse agreements, contracts, treaties, conventions for and on behalf of the Government;
- To represent the government in all civil cases or any other legal proceedings to which government is a party to;
- To peruse Bye-laws and Ordinances made by local councils and advise whether or not they conflict with the Constitution or any other laws made by Parliament; and
- To assist members of Parliament who want to propose private member's Bills in drafting the same.

The Attorney General is the main legal adviser and representative of the Government. Therefore any person with a legal complaint against the Government, must make that complaint against the Attorney General in court. All complaints or cases against the police, army or prisons, in the execution of their official duties, must be taken against the Attorney General in court, although it is also possible at the same time

to name the individual police, prison or army officer while making a complaint to the Attorney General.

Contact the Attorney General at Bauman House,  
**Plot 5 Parliament Avenue, P. O. Box 7183 Kampala, Uganda**  
**Tel: +256-230802/254829, Fax: +256-414-230802/254829**  
**Facebook: <https://www.facebook.com/justice1a/>**  
**Twitter: [http:// www.justice go.ug/contact#](http://www.justice.go.ug/contact#) Website: <http:// www.justice go.ug>**

### **Office of the Administrator General**

If a person dies without writing a valid will, this institution should assist the family of the deceased to smoothly run the property or estate of the deceased.

The law provides that where someone passes on without writing a valid will, the deceased's property automatically falls into the management of the Administrator General. As such, any person who wants to manage the estate of the deceased, should get a letter of no objection from the Administrator General and then a grant of letters of administration from the court. These are some of the roles of the Administrator General:

- To mediate any dispute between the deceased's family members through meetings;
- To assist the family of the deceased reach a consensus on which members should be chosen; and
- To give a letter of no objection to members of the deceased's family who want to apply to become administrators of the estate.

Once a person dies, the family of the deceased may choose to have a person take charge of the deceased's property or even distribute it to the beneficiaries. However for this person to do so, he or she must apply to the court for letters of administration. These letters of administration cannot be given unless the Administrator General expresses that he or she does not wish to administer the estate. This is done through what is called a certificate of no objection which means that the Administrator General does not object to the Letters of Administration being granted to that person.

Contacts:

**Office of the Administrator General**  
**Plot 4 George Street, Georgian House, 2nd, 3rd, and 4th Floors**  
**P. O. Box 7151 Kampala**  
**+256 414 341915**

## Law Council

This institution is mandated to supervise the work of the legal profession in Uganda. In some cases, disputes may emerge between clients and their lawyers or advocates. This may arise from issues like if the services delivered by the lawyers are deemed to be below the required standard. The Law Council has powers to discipline advocates or lawyers and their clerks.

### Disciplinary cases

The following are examples of disciplinary cases handled by the Law Council

- An advocate has failed to account for the money given to him or her by or on behalf of a client.
- An advocate charges excessive or extortionate fees.
- An advocate intimidates a witness of the opposite party to threaten them from testifying.
- An advocate does not advise a client diligently.
- An advocate coaches a witness on what to say in court.

This is not a full list of disciplinary cases that can be brought against an advocate or lawyer before the Law Council. For more information please contact the Law Council at the address below or by telephone.

### Punishments that Could be Given to Advocates/Lawyers by the Law Council

The Law Council may issue any of the following punishments to an advocate or lawyer who has been found guilty of professional misconduct. The Law Council may order that the advocate:-

- Is admonished or warned;
- Is suspended from practicing for a period not exceeding two years;
- Is prevented from ever practicing law again in Uganda. This happens when the name of the advocate is struck off the roll of advocates;
- Pays compensation not exceeding twenty thousand shillings to any person who has suffered loss as a result of the unprofessional conduct;
- Pays a fine not exceeding ten thousand shillings; and
- Restores the property in his possession to the aggrieved person.

Contact the Law Council,

**Plot 4 George Street, Georgian House,**

**7th Floor No. +256 414 341673**

**Email: [infor@lawcouncil.go.ug](mailto:infor@lawcouncil.go.ug). Website: [www.lawcouncil.go.ug](http://www.lawcouncil.go.ug)**

## Centre for Arbitration and Dispute Resolution

Centre for Arbitration and Dispute Resolution (CADER) is created by law to conduct dispute resolution using the process of arbitration or conciliation. The Centre is an independent body which can be sued and also can sue in its name. If you have a civil case in court, you may choose to have a meeting to discuss and agree with the other party on how to settle the case without going into the court. This is called mediation.

CADER provides an avenue for timely dispute resolution. Among other things, it is mandated to:

- Make available Arbitrators nominated by themselves or the parties;
- Carry out international arbitration;
- Put in place rules, procedures and forms to facilitate the arbitration process;
- Create and enforce a code of ethics for arbitrators, conciliators, neutrals, and experts;
- Qualify and accredit arbitrators, conciliators, and experts;
- Provide administrative services and other technical services in aid of arbitration, conciliation and alternative dispute resolution;
- Establish appropriate qualifications for institutions, bodies, and persons eligible for appointment;
- Ensure that competent and qualified arbitrators, conciliators and experts are available when needed;
- Facilitate certification, registration, and authentication of arbitration awards and conciliation settlements; Set out a schedule indicating fees payable to arbitrators; and
- Provide skills, training and support the use of alternative dispute resolution methods

Contact:

**Centre for Arbitration and Dispute Resolution, Portal Avenue,  
Crusader House 3rd Floor, Kampala 25585, Uganda Tel: +25641-4254460**

## Uganda Human Rights Commission

Owing to the need to fend off arbitrary arrests, detention without trial, torture and brutal repression with impunity on the part of security organs challenges that characterized Uganda's history, framers of the Constitution created the Uganda Human Rights Commission (UHRC) with power to promote and protect human rights and freedoms in Uganda.

## Functions of the Commissio

The main functions of the UHRC include among others:

- To investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right;
- To visit jails, prisons, and places of detention or related facilities with a view of assessing and inspecting conditions of the inmates and make recommendations;
- To issue summons or other orders requiring the attendance of any person before the commission and the production of any document or record relevant to any investigation by the commission;
- To question any person in respect of any subject matter under investigation before the commission;
- To require any person to disclose any information within his or her knowledge relevant to any investigation by the commission; and
- To commit persons for contempt of its orders.

If you, a friend, or a relative has been a victim of a human rights violation, you can report the case to the UHRC. The UHRC has a tribunal that can award compensation, where it finds that there has been a violation of a human right.

UHRC has the following 10 regional offices spread across the country:

Contacts:

### **Arua Regional Offi**

Plot 70A Weather Park Head  
Lane Road  
P. O. Box 406, Arua  
Tel: 047 642 0213, 080 014 4207, 047 642 0214  
Email: uhrcarua@uhrc.ug

### **Central Regional Offi**

Plot 55, Old Katalima Road, Nagulu  
Opposite Police Headquarters Gate,  
P. O. Box 4929, Kampala  
Tel: 041 423 219 0/427 1847  
080 012 2444  
Email: uhrckampala@uhrc.ug

### **Fort Portal Regional Offi**

Plot 3/5 Mugurusi Road  
P. O. Box 960, FortPortal  
Tel: 048 342 3176

080 014 4200  
048 322 571  
Email: [uhrcfortportal@uhrc.u](mailto:uhrcfortportal@uhrc.u)

**Gulu Regional Offi**

Plot 25 Aswa Road  
P. O. Box 728 Gulu  
Tel: 0471432415  
Fax: 0471 32458  
Email: [uhrcgulu@uhrc.ug](mailto:uhrcgulu@uhrc.ug)

**Jinja Regional Offi**

Plot 21 Bell Avenue  
P. O. Box 66, Jinja  
Tel: 043 412 3760  
080 014 4201  
043 412 3761  
Email: [uhrcjinja@uhrc.ug](mailto:uhrcjinja@uhrc.ug)

**Masaka Regional Offi**

Plot 14 Edward Avenue,  
Opp. NSSF Office  
P. O. Box 701, Masaka  
Tel: 031 851 4812  
080 014 4203  
Email: [uhrcmasaka@uhrc.ug](mailto:uhrcmasaka@uhrc.ug)

**Mbarara Regional Offi**

Plot 6 McAllister Road,  
P. O. Box 105, Mbarara  
Tel; 048 542 1780  
080 014 4202  
048 542 1782  
Email: [uhrcmbarara@uhrc.ug](mailto:uhrcmbarara@uhrc.ug)

**Hoima Regional Offi**

Plot 154 Off-Bunyoro Kitara Road  
P. O Box 339 Hoima  
Tel: 465 440 287  
080 014 4204  
Email: [uhrchoima@uhrc.ug](mailto:uhrchoima@uhrc.ug)

**Moroto Regional Offi**

Plot 5/8 Circular Road

P. O. Box 105 Moroto

Tel: 040 544 7013

080 014 4212

Email: [uhrcmoroto@uhrc.ug](mailto:uhrcmoroto@uhrc.ug)

**Soroti egional Offi**

Plot 70 Gweri Road

P. O. Box 462 Soroti

Tel: 045 446 1793

080 014 4206 / 045 446 1793

Emial: [uhrcsoroti@uhrc.ug](mailto:uhrcsoroti@uhrc.ug)

**Head Offi****TWED Plaza**

Plot 22 B Lumumba Avenue

P. O. Box 4929 Kampala

Tel: 0414-348007/8, 0414-233757, 0417-735300

Fax: 0414 255261

Email: [uhrc@uhrc.ug](mailto:uhrc@uhrc.ug)

Website: [www.uhrc.ug](http://www.uhrc.ug)

Facebook: <http://www.facebook.com/UgandaHumanRightsCommissionUHRC>

Twitter: [http://uhrc.ug\[f1\]](http://uhrc.ug[f1])

## Inspectorate of Government

The office of the Inspectorate of Government (IG) is another creation of the Constitution. The IG is the government watchdog. It ensures proper administrative conduct of officers of government in the exercise of their functions. All cases of corruption and misuse of office should be reported to the IG. The IG has regional offices.

### **Functions of the Inspectorate include:**

- a. Promoting adherence to the rule of law and principles of natural justice in administration among government officers;
- b. Eliminating corruption and abuse of authority in the public office;
- c. Promoting fair, efficient and good governance in public offices;
- d. Investigating any act, omission, advice, decision or recommendation by a public officer in the exercise of his administrative function;
- e. Conducting awareness through media or other fora about the role of the office of the IG in discharging its mandate;
- f. Protecting and promoting human rights and the rule of law in Uganda;
- g. Investigating the conduct of any public officer which may be connected with the abuse of office or authority, neglect of official duties, and economic malpractices;
- h. Investigating acts carried out by a person in a public office after they have left office;
- i. Investigating, arresting, prosecuting cases involving corruption, abuse of authority in the public office.
- j. Investigating allegations of a violation of human rights committed by a person in a public office such as : deprivation of human life without following the law, arrest and detention without trial, denial of a fair and public trial before an impartial and independent court of law, torture, inhuman and degrading treatment, unlawful acquisition, possession, damage or destruction of private property;
- k. Investigating the methods used by law enforcing and state security agencies in the execution of their functions:
- l. Investigating if the conduct of state security agencies offends the rule of law;
- m. Examining the practices and procedures of government offices to facilitate the discovery of corrupt practices and to secure the revision of work ethics;
- n. Receiving complaints from the public, on the above issues and initiating investigations.

## Contacts:

### **Head Office**

Jubilee Insurance Centre,  
Plot 14, Parliament Avenue,  
P. O. Box 1682, Kampala  
Tel: 414344219/259738/255892/251462  
Fax: 414 347387? 414 344 810  
Email: [pr@igg.go.ug](mailto:pr@igg.go.ug)

### **Arua Regional Office**

Plot No. 10 Weather Head Park Lane,  
P. O. Box 789, Arua.  
Tel: 0476 4203 17  
Email: [aru@igg.go.ug](mailto:aru@igg.go.ug)

### **Fort Portal Regional Office**

Plot 1A Mugurusi Road,  
P. O. Box 157, Fort Portal.  
Tel: 0483 423010/1  
Email: [fortportal@igg.go.ug](mailto:fortportal@igg.go.ug)

### **Gulu Regional Office**

Plot A1 Ogowok Ayaru Road,  
Pece Division, Gulu Municipality,  
P. O. Box 771, Gulu.  
Tel: 0471 432569/432568  
Email: [gulu@igg.go.ug](mailto:gulu@igg.go.ug)

### **Hoima Regional Office**

17 Orphanage Road,  
P. O. Box 113, Hoima.  
Tel: 0465-440260  
Fax: 0465-440262  
Email: [hoima@igg.go.ug](mailto:hoima@igg.go.ug)

### **Jinja Regional Office**

Plot 35 Rippon Gardens Road,  
P. O. Box 303, Jinja.  
Tel: 0434-120160/ 0434-122688  
Email: [jinja@igg.go.ug](mailto:jinja@igg.go.ug)

**Kabale Regional Office**

Babukika Road,  
P. O. Box 981, Kabale.  
Tel: 0486-422461/423085  
Fax: 0486-422027  
Email: [kabale@igg.go.ug](mailto:kabale@igg.go.ug)

**Lira Regional Office**

Plot 4 Osman Road,  
P. O. Box 1, Lira.  
Tel: 0473-420099  
Email: [lira@igg.go.ug](mailto:lira@igg.go.ug)

**Masaka Regional Office**

Plot No. 29/31 Victoria Road,  
P. O. Box 925, Masaka.  
Tel: 0481-420222  
Email: [masaka@igg.go.ug](mailto:masaka@igg.go.ug)

**Mbale Regional Office**

Plot No. 20 Masaba Road,  
P. O. Box 24, Mbale.  
Tel: 0454-435029/ 35255  
Email: [mbale@igg.go.ug](mailto:mbale@igg.go.ug)

**Mbarara Regional Office**

Plot No. 17, Muti Drive,  
P. O. Box 1903, Mbarara.  
Tel: 0485-421068  
Fax: 0485-421720  
Email: [mbarara@igg.go.ug](mailto:mbarara@igg.go.ug)

**Moroto Regional Office**

Plot No 3 Odeke road,  
Near UNRA offices,  
P. O. Box 104, Moroto.  
Tel: 0393-278373  
Email: [moroto@igg.go.ug](mailto:moroto@igg.go.ug)

**Soroti Regional Office**

Plot 73 Gweri Road,  
P. O. Box 346, Soroti.  
Tel: 0454-461784/461584  
Email: [soroti@igg.go.ug](mailto:soroti@igg.go.ug)

**Tororo Regional Offic**

Plot 45 Kashmir Road  
Tororo Municipality,  
P. O. Box 5, Tororo.  
Tel: 0454-445534/3  
Email: [tororo@igg.go.ug](mailto:tororo@igg.go.ug)

**Mukono Regional Offic**

Plot 2377/2378, Lower Kauga,  
Mukono,  
P. O. BOX 901 Mukono,  
Tel: 0414-692042/3  
Email: [mukono@igg.go.ug](mailto:mukono@igg.go.ug)

**Moyo Regional Offic**

Moyo S.S Road,  
P. O. Box 192, Moyo.  
Tel: 0393-280102  
Email: [moyo@igg.go.ug](mailto:moyo@igg.go.ug)

**Kampala Regional Offic**

Plot 1645 Gyagenda Road, Ntinda-Kiwatule  
C/O P. O. Box 1682, Kampala  
Tel: 0414 580 499  
Email: [kampala@igg.go.ug](mailto:kampala@igg.go.ug)

## Law Development Centre

The Law Development Centre (LDC) is established by law with a core mandate to conduct legal training. LDC's other functions include:

- a. Legal and professional skills training for intending advocates or lawyers;
- b. Organizing and conducting courses in legislative drafting;
- c. Enhancing legal knowledge through equipping government officers and Uganda Peoples' Defense Forces with knowledge and understanding of the law;
- d. Enhancement of efficiency of court officers through tailored courses;
- e. Preparation and publication of any revised edition of the Laws of Uganda;
- f. Assisting in the preparation of reprints of laws in force;
- g. Assisting the Law Reform Commission in the performance of its functions;
- h. Undertaking research into any branch of the law;
- i. Holding seminars and conferences on legal matters and problems;
- j. Collecting, compiling, analyzing and abstracting statistical information on legal and related matters;
- k. Assisting in the provision of legal aid and advice to indigent litigants and accused persons under the existing laws;
- l. Compiling, editing and publishing Uganda's law reports;
- m. Publishing periodicals, bulletins, digests or other written material concerned with legal and related matters; and
- n. Disseminating and promoting generally a better knowledge of the law.

The center is charged with the training of Advocates who wish to practice law in Uganda as well as paralegals.

Contacts:

**Law Development Centre, P. O Box 7117 Kampala, Uganda Plot No. 339,**

**Kagugube Off. Gadaffi Road Tel: +256-417-101-000**

**Facebook: <https://www.facebook.com/Law-Development-Centre-561714133871924/>**

**Email: [info@ldc.ac.ug](mailto:info@ldc.ac.ug)**

**Website: [http:// www.ldc.ac.ug](http://www.ldc.ac.ug)**

**Twitter: <https://twitter.com/LDCUganda>**

## Uganda Law Reform Commission

This institution is also established by the Constitution with the main mandate to study and review the laws of Uganda to make recommendations for their improvement, development, modernization, and reform. In this context, any suggestions on improving or, reforming the law, should be sent to the Law Reform Commission.

The Law Reform Commission seeks to ensure that laws are flexible and receptive to change, to remain fair, relevant and up to date and above all, take into account the needs of the people. As society changes over time, so do the views and values of the members of that society. For the law to remain relevant, it must reflect the values and needs of the community. The Law Reform Commission uses a consultative and participatory approach to law reform in Uganda. Evidence of this by its public consultation exercise on reforming laws. It also simplifies and translates laws to ensure that the public can understand the law.

In summary, the Law Reform Commission has two main functions, namely:

- a) To receive, review and consider any proposals for the reform of the law, which may be referred to it by any person or authority; and
- b) To encourage and promote public participation in the process of lawmaking and education and sensitization through seminars, publications, and mass media.

Any member of the public may submit his views on reforming the law to the Law Reform Commission.

Contacts:

**Law Reform Commission** Workers House, 8th Floor

**Plot 1, Pilkington Rd,**

**P. O. Box 12149, Kampala-Uganda**

Telephone: **+256-414 346200 /341138**

Fax: **+256-414-254869**

Email: [ulrc@ulrc.go.ug](mailto:ulrc@ulrc.go.ug) Facebook: <https://www.facebook.com/ulrcug/>

Twitter: <https://twitter.com/ULRCUg>

### **Uganda Registration Services Bureau**

The Uganda Registration Service Bureau (URSB) is mandated to carry out registration of documents such as deeds, agreements, powers of attorney as well as businesses that are required by law to be registered such as private, public and foreign companies and collect revenues on behalf of Uganda Revenue Authority. URSB is a one-stop center for registration of documents except for those related to land.

URSB has also the following responsibilities:

- a. To provide registration services, collect and account for all revenue acquired;
- b. To advise the Government on matters relating to registration services under the relevant laws;
- c. To assist the Government in formulating of policy relating to the collection of revenue;
- d. To carry out all registrations required under the relevant laws;
- e. To maintain registers, data, and records on registrations affected by the bureau;
- f. To act as a clearing house for information and data on registrations;

- g. To carry on research and disseminate research findings on registration matters under various laws;
- h. To charge fees for any services performed by the bureau; and
- i. To act as an agent of the Uganda Revenue Authority in the collection of stamp duty charged on documents.

Contacts:

**The Uganda Registration Services Bureau Plot 5 George Street, Georgian House,  
P. O. Box 6848 Kampala Uganda**

**Phone: +256 414 233 219**

**Call center: +256 417 338 100 Toll-free: 0800 100 006**

**Fax: +256 414 250 712**

**Email: [ursb@ursb.go.ug](mailto:ursb@ursb.go.ug) Facebook: <https://www.facebook.com/URSBHQ/>**

**Twitter: <https://twitter.com/URSBHQ>**

## **Ministry of Internal Affairs**

This is a government ministry charged with the responsibility of ensuring law and order in Uganda. It is also responsible for several government departments and agencies including the:

- a) Directorate of Citizenship and Immigration Control,
- b) Directorate of Community Service,
- c) Directorate of Government Analytical laboratory
- d) National Bureau for Non-governmental Organisations
- e) Amnesty Commission

The Ministry of Internal Affairs is responsible for the provision of the following services:

1. Issuing of visas, passports and travel documents ;
2. Certification of non-governmental organization permits
3. Counselling of offenders, victims and their families
4. DNA or forensic services
5. Facilitating offenders/victim reconciliation process
6. Following up and monitoring community service orders
7. Issuing exemption permits as well as replacing old ones
8. Mediation among non-governmental organizations and other stakeholders
9. Providing advice to non-governmental organizations
10. Promoting community service orders as an alternative to imprisonment

Contact:

**Ministry of Internal Affairs, Plot 75, Jinja rd.**

**P. O. Box 7191, Kampala**

**Tel: +256414595945**

**Fax: +256 424 434 088,**

Email: [info@mia.go.ug](mailto:info@mia.go.ug),

Facebook: <https://www.facebook.com/Ministry-of-Internal-Affairs-Uganda>

Twitter: [https://twitter.com/MIA\\_UG](https://twitter.com/MIA_UG)

## **National Identification and Registration Authority**

The National Identification and Registration Authority

NIRA was created by law in 2005. Its mandate includes;

- a. To create, manage, maintain and operationalize the National Identification Register;
- b. To register all citizens of Uganda;
- c. To register non-citizens of Uganda who are lawful residents in Uganda;
- d. To register births and deaths;
- e. To assign a unique National Identification Number to every person registered; and
- f. To issue National Identification Cards and Aliens' Identification Cards to all registered persons.

Contact:

### **National Identification and Registration Authority**

National Independence Grounds, Kololo Airstrip

P. O. Box 26529, Kampala-Uganda

Tel (Reception): +256 312119600

### **For Inquiries on National Identification and Registration**

Call: +256 312119631/+256 312119639

### **For Inquiries on Birth, Death and Adoption Order Registration**

Call: +256 312119601

### **For Inquiries on Public Relation**

Call: +256 312119605

Twitter: [https://twitter.com/NIRA\\_Ug](https://twitter.com/NIRA_Ug)

Facebook: <https://www.facebook.com/National-Identification-and-Registration-Authority-NIRA-781393071872618/>

## **Legal Aid Service Providers**

Legal services are mostly expensive, therefore not everyone can afford to pay for a lawyer. However, the law aims at providing access to justice by everyone regardless of one's financial standing. People may start to lose property or fail to claim their rights or receive justice if they do not get sufficient legal advice or legal representation. On this basis, several governmental and non-governmental

organizations seek to assist persons who are unable to afford legal services by providing them with free legal services.

Legal aid, therefore, refers to the free legal services that are given to a person who cannot afford to hire a private lawyer.

The Constitution states that a person who is charged with an offense whose maximum sentence is either death or life imprisonment is entitled to legal representation by a lawyer at the expense of the Government. As such, the Government provides free legal services under what is commonly known as the State Brief Scheme.

There are however other legal aid service providers that a person can access in order to receive free legal services. This Chapter will provide a list of the common legal aid providers and their contact information.

## **Justice Centres Uganda**

This institution works to promote the rights of vulnerable communities through the provision of quality human rights based legal aid, legal rights awareness, community outreach, empowerment, and advocacy. It offers free legal aid services across civil and criminal areas of justice to the poor, marginalized and vulnerable persons, while at the same time, empowering individuals and communities to enforce and claim their rights, as well as demanding for policy and social change.

## **Objectives of Justice Centres Uganda**

The objectives of Justice Centres Uganda are to:

- Enhance awareness of human rights and empower communities to claim their rights,
- Enable vulnerable individuals and communities to effectively resolve disputes using both litigation and Alternative Dispute Resolution (ADR),
- Undertake human rights centered and evidence-based advocacy for reform of Laws, Policies, and Practices, and
- Pilot Justice Centers as a model for the delivery of legal aid services in Uganda.

## **Services offered**

In fulfilling its objectives mentioned above, Justice Centres offer the following services:

- Legal representation. This means that the institution can provide a lawyer to represent a person in court;
- Legal advice. Justice Centres can provide a person with legal information;
- Alternative dispute resolution. This service aims to solve disagreements without going to court;

- Counseling. This means giving opinions or options on resolving a legal matter.
- Legal awareness

Justice Centres has offices in several Districts. These include; Jinja, Lira, Amolatar, Pader, Apac, Kitgum, Oyam, Dokolo, Kaberamaido, Masaka, Kotido, Tororo, Bukwo, Bududa, Manafwa, Busia, Pallisa, Butaleja, Namutumba, Hoima, Mukono, Bugiri, and Iganga.

Contacts:

**Justice Centres Uganda**

**National Coordination office**

**Chambers F6 and F8 High Court Building, Kampala**

**P. O. Box 26365 Kampala**

**Tel: Office: +256 414 2566**

**Toll-free line 0800 100210**

Email: [info@justicecentres.go.ug](mailto:info@justicecentres.go.ug)

Website: [www.justicecentres.go.ug](http://www.justicecentres.go.ug)

**Lira Justice Centre**

**Justice Centres Lira**

Lira Chief Magistrates Court

Toll Free line : 080 010 0212 | General Line: 0759 500442

**Tororo Justice Centre**

Toll free line: 0800 100 211 | General Line: 0759 500 443

**Hoima Justice Centre**

Toll free line: 0800 100 213 | General Line: 0434 122 136

**Mengo Justice Centre**

Toll free line: 0800 100 210 | General Line: 0759 500 440

**Masaka Service Centre**

Toll free line: 0800 100 215 | General line: 0481 421 099

**Jinja Service Centre**

Toll free line: 0800 100 214 | General line: 0434 122 136

### **Legal Aid Project of the Uganda Law Society**

This is a legal aid project of Uganda Law Society- an institution that brings together all lawyers in Uganda. The project has offices all over the country, where it offers free legal services to the needy. The services provided include legal representation, legal advice, alternative dispute resolution, and counseling.

The Legal Aid Project of the Uganda Law Society has several Districts which include; Gulu, Kabarole, Luweero, Masindi, Arua, Kabale, Jinja, Mbarara, Kotido, Moroto and Patongo.

Contact

### **Legal Aid Project –Kampala**

Plot 610, Buye, Ntinda along Wamala Road off Ntinda-Kisaasi Road

P. O. Box 426 Kampala

Tel No. +256 414 342424

E-mail: [uls@uls.or.ug](mailto:uls@uls.or.ug)

Website: [uls@uls.or.ug](mailto:uls@uls.or.ug)

### **Legal Aid Project - Jinja**

Plot 9 Main Street,

P. O. Box 2098, Jinja.

### **Legal Aid Project - Gulu**

Plot 19 Labwor Road,

P. O. Box 896, Gulu.

### **Legal Aid Project – Kabarole**

Plot No. 52/54 Kiboga Road, Fort Portal

P. O. Box 83, Fort Portal.

## **Uganda Association of Women Lawyers**

The Uganda Association of Women Lawyers (FIDA-Uganda) works to advance gender equality through the promotion of women's rights. FIDA Uganda is one of the leading women's rights organizations in Uganda and a pioneer of legal aid and public legal education in sub-Saharan Africa. Formed in 1974, FIDA - Uganda provides free legal aid and advice to needy women and children who cannot afford to hire a lawyer. FIDA - Uganda also works to promote policy reforms aimed at protecting women as well as conducting advocacy, public interest litigation and other forms of public engagement.

FIDA – Uganda also supports and monitors Government's compliance with obligations to protect and promote the human rights of women and the justice systems' adherence to international human rights standards in delivering justice to women. It also has observer status with the Africa Commission on Human and Peoples' Rights.

Contacts:

**Uganda Association of Women Lawyers**

**Plot 4 Link Road Mbuya,**

**Kampala**

**Off Cwa II road,**

**Phone: 041 4530848**

**Email: [fida@fida-uganda.org](mailto:fida@fida-uganda.org)**

### **Legal Aid Clinic of the Law Development Centre**

This Legal Aid Clinic was founded in 1998 and started providing legal services in 1999. It has two main purposes, namely:

- To assist in providing practical skills to students of the Diploma in Legal Practice (Bar Course) through its Clinical Legal Education (CLE) Program, and
- To provide legal aid services to juveniles, indigent litigants and accused persons.
- The Clinic has several programs. These are:
- The Reconciliation Program, located at several Magistrates Court. This program assists persons with minor criminal offenses to resolve disputes without going to court;
- The Bar Course Program. Use of Bar course students to access justice for juveniles and petty offenders;
- Alternative Dispute Resolution Mechanisms Program seeks to enhance the resolution of land disputes; and
- The Diversion Program for children in conflict with the law.

This program is geared towards preventing a child from going through the full process of court proceedings by bringing the complainant on one hand, and the child offender with his or her parent on the other hand to discuss and settle the matter out of court. This is because of the general negative impact that formal court processes and detention has on a child. As such, this program is carried out at the village, police and court levels.

The clinic is currently operating in several districts among which include; Kibaale, Kagadi, Masindi, Adjumani, Fortportal, and Kampala.

Contacts:

**Plot No. 339 Kagugube, off Gadhafi**

**P. O. Box 7117, Kampala**

**Tel. No. +256 417 101000, +393 241688**

**Website: [www.ldc.ac.ug](http://www.ldc.ac.ug)**

## ANNEXES

### Annex 1 - Guidelines to Making Your Will

Please Note the Following Points Before you Start Writing out Your Will

1. The Law allows you to make your Will in any language of your choice. This Will Form has been prepared to help you in making your Will by filling in the necessary information in the gaps provided.
2. The Law also allows you to leave your property to any person (s) of your choice. Legally persons who are entitled in Law to share in your property after your death and who **MUST NOT** be left out when you are distributing your property are:
  - a. All your Children
  - b. Your Wife (Wives) or Your Husband
  - c. Your Parents and Close Relatives who are dependent on you for their ordinary and basic necessities of life.

**NOTE:** If you wish to leave out any of the above category of people, state your reason for doing so in the Will.

3. It is important for you to sign your Will at the bottom of each page and also on the final page. The Will should be signed in the presence of at least two witnesses who **SHOULD NOT** be beneficiaries in your Will. The witnesses need not read the Will since they are meant to witness your signature, and all witnesses should be 18 years and above of age.
4. These witnesses should also sign your will in each other's presence.
5. At least two or more copies of the Will should be made and be kept separately with your Banker, Reverend or Priest, Lawyer, Spouse, Trusted friend, or any other person of your choice.

#### Fill In the Blanks Below:

1. Name:.....  
Physical and Postal Address .....  
.....  
.....  
This..... day of ..... Year..... make this Will and revoke any former Wills made by me.

I have made this will voluntarily and while of sound mind:

- (i) Father's name:.....
- (ii) Mother's name:.....
- (iii) Grandparents:
  - a) Maternal .....
  - b) Paternal .....
- (iv) My clan is .....
- (v) My Totem is .....
- (vi) My tribe is .....
- (vii) My Religion is .....

2. a) I was born on the ..... day of ..... month..... year.  
Village/Town.....  
Sub-county.....  
District.....

3. a) I am a single/married/widowed/divorced/separated/from my spouse (delete whichever is not applicable).

Answer this section if you are married.

c) The name of my spouse (s) are:

- 1. ....
- 2. ....
- 3. ....
- 4. ....

b) We got married as follows: (State the time and place e.g. church/mosque/ place of customary marriage where ceremony took place).

- i. On ..... Day of ..... Month..... Year.
- ii. On ..... Day of ..... Month ..... Year.
- iii. On ..... Day of ..... Month..... Year.
- iv. On ..... Day of ..... Month ..... Year.

d) I am divorced/separated from my spouse (s) named (Cancel whichever does not apply).

- 1. ....
- 2. ....
- 3. ....

4.a) These are my Children.

	NAMES	SEX	DATE OF BIRTH	NAMES OF MOTHER/ FATHER
	Example: Mary Ajivu	Female	19 <sup>th</sup> November 1976	Ajivu Issac Penniah Abasal

a) These are my dependents: (these should be relatives or other people whom you would like to provide for in your Will).

	FULL NAMES	RELATIONSHIPS	ADDRESS/RESIDENCE
i.			
ii.			

5.I appoint the following people to be guardians of my young children

	FULL NAMES	ADDRESS/VILLAGE/TOWN
1.		
2.		

1) I have chosen ..... my son/  
daughter/grandchild.....sex..... as my heir/  
heiress.

2) I have acquired the following property:

	PROPERTY	PARTICULARS	LOCATION
1.			
2.			
3.			

**Note:** If your spouse (s) and children are living in your principal residence/home do not include this principal/home and all the household property among the property to be distributed.

3) I give my property to the following:

	FULL NAMES	RELATIONSHIP	PARTICULARS OF PROPERTY GIVEN
1.			
2.			
3.			

4) a) I want my property to be distributed by my executors (executrix) as follows:  
(Write in this space if you have special conditions for distributing your property.

.....  
 .....  
 .....  
 b) The property I have given to my children below the age of 21 years will not be distributed to them immediately. It will be dealt with as follows: (Cancel whichever is not applicable). If you wish, you may leave guidelines for your spouses, executors or your children's guardians on how to maintain the property for the children until they are of age.

.....  
 .....  
 .....  
 .....

5) (a) I have the following bank accounts:

BANK & BRANCH	TYPE OF ACCOUNT	ACCOUNT NUMBER

(b) I have a shareholding/interest in the following business (es).

NAMES AND ADDRESS OF BUSINESS/ COMPANY/INSURANCE POLICY	PERCENTAGE OF SHAREHOLDING/ INTEREST

Provident Fund No. or NSSF No. ....

6) I have the following creditors and or debtors:

	CREDITOR'S NAME AND ADDRESS	PARTICULARS	AMOUNT OWING
1.			
2.			

	DEBTOR'S NAME AND ADDRESS	PARTICULARS	AMOUNT DUE
1.			
2.			

7) I wish to be buried at .....  
 Village/Town .....  
 Sub-County .....  
 District .....  
 County .....

8) Any other information/wishes related to your funeral ceremony or any other

matter not previously mentioned.

.....  
.....  
.....

I, ..... have made this Will while  
of sound mind and of my own free Will, this ..... Day of .....  
Month ..... year.

## **WITNESSES**

### **WITNESS NO.1**

Full names:.....  
Occupation: .....  
Postal Address: .....  
Residential Address: .....  
.....  
Signature/Thumbprint: .....  
Date: ..... Month ..... Year .....

### **WITNESS NO.2**

Full Names:.....  
Occupation: .....  
Postal Address: .....  
Residential Address: .....  
.....  
Signature/Thumbprint: .....  
Date: ..... Month ..... Year .....

## Annex 2: Copy of Police Form 18 for Release on Bond

### POLICE FORM 18

#### UGANDA POLICE

#### RELEASE ON BOND

(Section 30 C . Pro. Code)

I.....  
being charged with the offence .....  
..... O.B No ..... and after required to appear before the  
.....at ..... do hereby bind myself to appear at  
..... at .....on the ..... day of ..... 20  
..... and continue to attend until otherwise directed by the court, further to  
answer to the said charge and in case of making default herein I bind myself to forfeit to  
the Government of Uganda the sum of Shillings .....  
Dated this..... day of ..... 20 .....

.....  
Signature

I/We hereby declare myself/ourselves surety and or each of us sureties  
for the above named .....  
..... that he/she/they shall attend as above stated and in case of his making  
any default herein, I/We hereby bind myself/ourselves to forfeit to the Government  
of Uganda the sum of Shillings.....  
Dated this ..... day of ..... 20 .....

.....  
Executed before me.....

.....  
Signature

### Annex 3 List of Legal Aid Providers

01	International Justice Mission.	Central	Kampala, Suuna Road, Plot 15
02	Legal Aid Project of Uganda Law Society	Central	Plot 5A, John Bahiha Avenue (former Acacia Avenue)
03	Legal Aid Project of Uganda Law Society	Central	Luzira
04	Muslim Centre for Justice & Law.	Central	Plot 401/2, Basiima Building, Bwaise, Kampala
05	Centre for Legal Aid	Central	Teacher's House 2nd Floor Plot 28/30 Bombo Road
06	Community Justice & Anti – Corruption Forum	Central	Kibuli depot, Corner flat, level 2, Suit 33
07	The Uganda Network on Law Ethics & HIV / AIDS.	Central	Plot 19 Valley Road, Minister's Village, Ntinda, Kampala
08	Justice Centres, Uganda	Central	Mengo, Chief Magistrate Court, Kabakaanjagala Road, Kampala.
09	Uganda Association of Women Lawyers (FIDA)	Central	Plot 100, Lutaaya Drive, Bukoto, Kampala
10	Law & Advocacy for women in Uganda.	Central	Lukuli, Nanganda, Makindye, Kampala
11	Foundation for Human Rights Initiative	Central	Lulume Road, Nsambya, Kampala
12	Kampala Legal Aid	Central	Plot 923, Makerere Hill Road, 3rd Floor, Ham Towers, Kampala
13	Platform for Labour Action	Central	Plot 14 Matyrs Lane off Old Kira Road Ntinda, Kampala
14	Civil Response on Environment & Development.	Central	Plot 3140, Old Kira Bukoto, Kampala
15	Uganda Christian Lawyers Fraternity	Central	Plot 42, Baptist House, Wandegaya, Kampala
16	Centre for Law and Peace (Uganda)	Central	Mukwano Courts, Buganda Road, Kampala
17	Human Rights Awareness and Promotion Forum	Central	Plot 390, Prof. Apollo Nsibambi Road, Kampala
18	Uganda Public Rescue Foundation	Central	Busega Kabale zone after Kasumba square Kizito Road, Wakiso
19	Public Interest Law Clinic, Makerere University School of Law	Central	Makerere University of school of Law

20	Law Development Centre Legal Aid Clinic	Central	Makerere Hill Road, Kampala.
21	Land and Equity Movement in Uganda	Central	Plot 4, Close 13-8th Street, Industrial Area, Namuwongo Road, Kampala
22	Legal Aid Project of Uganda Law Society	Eastern	Plot 14, Opolot, Odelle Road, Pamba, Soroti.
23	Legal Aid Project of Uganda Law Society	Eastern	Plot 52 Independence Avenue, Moroto
24	Legal Aid Project of the Uganda Law Society	Eastern	Plot No. 7A Ghokhale Road, West Jinja, Jinja
25	Land and Equity Movement in Uganda,	Eastern	Plot 1, Etyeku Road off Mbale Road Pamba, Soroti
26	Platform for Labour Action,	Eastern	Bulolo Road, Iganga
27	Legal Aid Project of Uganda Law Society	Northern	Plot 3, Awach Road, Gulu.
28	Legal Aid Project of Uganda Law Society	Northern	Plot No. 1A Adumini Road, Arua
29	Legal Aid Project of Uganda Law Society	Northern	Patongo Satelite Clinic, Patongo Town Council, Agago
30	Land and Equity Movement in Uganda	Northern	Plot 50, Ogwal Ajungu Road, Adyel Division, Lira Municipality, Lira
31	Land and Equity Movement in Uganda	Northern	Church Road Biashara Cell, Western Ward, Apac
32	Human Rights Focus	Northern	Plot 5/7, Airfield Road Gulu
33	Justice Centres, Uganda	Northern	Lira High Court
34	Platform for Labour Action	Northern	Lira District Administration Office, Lira Municipality
35	Facilitation for Peace & Development	Northern	Plot 2, Kyoga Road, Lira.
36	Justice & Rights Associates.	Northern	Plot 117/119, Uhuru Drive, Kitgum
37	Uganda Christian Lawyers Fraternity	Western	Kilembe quarters Plot 46, Kasese.
38	Uganda Christian Lawyers Fraternity.	Western	Masaka Municipal Council
39	The Uganda Network on Law Ethics & HIV / AIDS.	Western	Plot 83, Kaguta Road, Ntungamo.
40	Legal Aid Project of Uganda Law Society	Western	Plot 32, Mbarara Road, Kigongo, Kabale
41	Legal Aid Project of Uganda Law Society	Western	Plot 1, Sebagala Road, Masindi

42	The Uganda Network on Law Ethics & HIV / AIDS	Western	Plot 27, Sir Tito Winyi, Masindi
43	War Child Canada	Western	Panyadoli Refugee Settlement, Kiryandongo.
44	Legal Aid Project of the Uganda Law Society	Western	Plot No. 52/54 Kiboga Road, Fortportal
45	The Uganda Network on Law Ethics & HIV / AIDS	Western	Plot 27, Sir Tito Winyi, Masindi
46	War Child Canada	Western	Panyadoli Refugee Settlement, Kiryandongo
47	Legal Aid Project of the Uganda Law Society	Western	Plot No. 52/54 Kiboga Road, Fort Portal

## **Annex 4 - Contacts of Main Institution**

### **Administrator General**

Plot 4 George Street, Georgian House,  
2nd, 3rd, and 4th Floors  
P. O. Box 7151 Kampala  
+256 414 341915

### **Attorney General**

Bauman House, Plot 5 Parliament Avenue  
P. O. Box 7183 Kampala, Uganda  
Tel: +256-230802/254829  
Fax: +256-414-230802/254829  
Facebook: [https://www.facebook.com/justice1\\_a/](https://www.facebook.com/justice1_a/)  
Twitter: <http://www.justice.go.ug/contact#>  
Website: <http://www.justice.go.ug>

### **Centre for Arbitration and Dispute Resolution**

Portal Avenue, Crusader House 3<sup>rd</sup> Floor,  
Tel: [+25641-4254460](tel:+25641-4254460)

### **Inspector General of Police and the Deputy Inspector General of Police at:**

Uganda Police Force Headquarters Katalima Road, Naguru,  
Telephone Number: 041423381/ 414259613/414255630

### **Courts of Judicature**

High Court Building  
Plot 2, the Square  
P. O. Box 7085, Kampala  
Tel: +256 (0) 414-344 116  
Fax: +256 (0) 414-344 110  
Email: [info@judicature.go.ug](mailto:info@judicature.go.ug)  
Twitter: [@JudiciaryUG](https://twitter.com/JudiciaryUG)

### **Judicial Service Commission**

Lotis Towers, 6<sup>th</sup>, 7<sup>th</sup>, and 8th Floors  
Plot 16, Mackinnon Road, Nakasero.  
P. O. Box 7679 Kampala, Uganda Tel: 256-414 344 154.  
Toll Free Lines: 0800100221 / 0800100222

#### **Law Council**

Georgian House,  
7<sup>th</sup> Floor Kampala,  
Tel: 0414 341673  
Email: [info@lawcouncil.go.ug](mailto:info@lawcouncil.go.ug) .  
Website: <http://lawcouncil.go.ug>.

#### **Law Development Centre**

P. O Box 7117 Kampala, Uganda  
Plot No. 339, Kagugube Road  
Off. Gadaffi Road Tel: +256-417-101-000  
Facebook: <http://www.facebook.com/Law-Development-Centre-561714133871924/>  
Email: [info@ldc.ac.ug](mailto:info@ldc.ac.ug)  
Website: <http://www.ldc.ac.ug>  
Twitter: <http://twitter.com/LDCUganda>

#### **Uganda Law Reform Commission**

Workers House, 8<sup>th</sup> Floor  
Plot 1, Pilkington Rd,  
P. O. Box 12149, Kampala-Uganda  
Telephone: +256-414 346200 /341138  
Fax: +256-414-254869  
Email: [ulrc@ulrc.go.ug](mailto:ulrc@ulrc.go.ug)  
Facebook: <http://www.facebook.com/ulrcug/>  
Twitter: <http://twitter.com/ULRCUG>

#### **Uganda Law Society at:**

Plot 610, Ntinda along Namalala Road, off Ntinda-Kisaasi Road.  
P. O. Box 426 Kampala.  
Tel: 0414 342424 / 0200923406  
Email: [uls@uls.or.ug](mailto:uls@uls.or.ug)  
Website: [www.uls.or.ug](http://www.uls.or.ug)

#### **Ministry of Internal Affairs**

Plot 75, Jinja road.  
P. O. Box 7191, Kampala  
Tel: +256414595945  
Fax: +256 424 434 088  
Email: [info@mia.go.ug](mailto:info@mia.go.ug)  
Facebook: <https://www.facebook.com/Ministry-of-Internal-Affairs-Uganda>  
Twitter: [http://twitter.com/MIA\\_UG](http://twitter.com/MIA_UG)

**Ministry of Gender, Labour and Social Development**

**George Street on Nakasero Hill**

**P. O. Box 7136, Kampala, Uganda.**

**Switchboard: 041-4 347854, 041-4 347855;**

**Permanent Secretary:**

**041-4 343572;**

**Fax: 041 256374;**

**E-Mail: [ps@mglsd.go.ug](mailto:ps@mglsd.go.ug)**

**Website: [http:// www.mglsd.go.ug](http://www.mglsd.go.ug)**

**Facebook: <https://www.facebook.com/mglsd/>**

**Twitter: [https://twitter.com/Moglsd\\_UG](https://twitter.com/Moglsd_UG)**

**National Identification and Registration Authority**

**National Independence Grounds, Kololo Airstrip**

**P. O. Box 26529, Kampala-Uganda**

**Tel (Reception): +256 31211960**

**For Inquiries on National Identification Registration**

**Call: +256 312119631/+256 312119639**

**For Inquiries on Birth, Death and Adoption Order Registration**

**Call: +256 312119601**

**For Inquiries on Public Relation**

**Call: +256 312119605**

**Twitter: [https://twitter.com/NIRA\\_Ug](https://twitter.com/NIRA_Ug)**

**Facebook: <https://www.facebook.com/National-Identification-Registration-Authority-NIRA-781393071872618/f3>**

**Office of the Director of Public Prosecution**

**Plot 1 Pilkington Road**

**P. O. Box 1550 Kampala, Uganda**

**Tel: +256 794332040, +256 794332041**

**Website: [www.dpp.go.ug](http://www.dpp.go.ug)**

**Police Professional Standards Unit**

**Plot 1303 Serumaga Road, Bukoto, Kampala,**

**Tel No. 0800199199, 0800199299, 0800200019**

**e-mail: [psuhqrtrs@yahoo.com](mailto:psuhqrtrs@yahoo.com)**

### **Uganda Prison Service**

**Plot 13/15 Parliament Avenue, Kampala.**

**Tel: 414 342136 Tel: 414 256751 Tel: 414 343330**

**Website: <http://prisons.go.ug>.**

**Email: [info@prisons.go.ug](mailto:info@prisons.go.ug)**

**Facebook: <http://www.facebook.com/UgandaPrisons/>**

**Twitter: [http://twitter.com/UgandaPrisons\[f1\]](http://twitter.com/UgandaPrisons[f1])**

**Toll free line 0800144144**

### **Uganda Registration Services Bureau**

**Plot 5 George Street, Georgian House,**

**P. O. Box 6848 Kampala Uganda**

**Phone: +256 414 233 219**

**Call center: +256 417 338 100**

**Toll-free: 0800 100 006**

**Fax: +256 414 250 712**

**Email: [ursb@ursb.go.ug](mailto:ursb@ursb.go.ug)**

**Facebook: <http://www.facebook.com/URSBHQ/>**

**Twitter: <http://twitter.com/URSBHQ>**

### **Tax Appeals Tribunal**

**Plot 3, Pilkington Road, NIC Building, 8<sup>th</sup> Floor**

**P. O. Box 7019 Pilkington Rd, Kampala.**

**Tel: 041 423 2865**



*A Publication of:*

**Judicial Service Commission**  
**Plot 16, Mackinnon Road, Lotis Towers, 6th - 8th Floor,**  
**P. O. Box 7679, Kampala, Uganda.**

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**Toll Free Line: 0800100222**  
**Fax: 0414-254090**  
**URL: <http://www.jsc.go.ug>**