

EFFORTS TO IMPROVE RESPECT AND ENFORCEMENT OF HUMAN RIGHTS BY THE UGANDA POLICE FORCE.

1.1 BACKGROUND

Since 1997, the Uganda Human Rights Commission has raised a number of issues and concerns against the UPF in its Annual Reports. These concerns have been mainly violations of human rights by the police in carrying out their functions but also have focused on the inadequacies of the police to perform its functions effectively and efficiently.

The police force in Uganda was introduced in 1906 by the colonial government. To ensure maximum expropriation of the colony's resources for the benefit of the British, the police was used as an instrument of oppression and not as a service to the public. The police system that was imposed on the population became directly accountable to the Colonial State. The force was militaristic and highly centralized.

During the period 1966 - 1986, Uganda was characterised by political turmoil, and illegitimate or unpopular governments striving to impose their hegemony on the people. The State resorted to the use of its machinery and apparatus to suppress the people. State agencies including the police terrorised the public and acted extra - judiciary. The police's Public Safety Unit (1971 - 1979) and the Special Force (1980 - 1986) became responsible for the violation of citizen's human rights in a bid to maintain illegitimate and unpopular governments in power.

The police force largely remained a reactive rather than a pro-active force. It was poorly facilitated and lacked adequate training in investigations, detection crime intelligence and community policing. The command structure was also poorly trained and lacked the zeal to restore sanity in improving service delivery in an effective and efficient manner. The police lacked the ideological focus to revamp its tainted image and join hands with the population to fight crime. The methods used to deal decisively with crime were mainly extra-judicial. These methods largely represent the human rights violations that were almost becoming an institutional culture in law enforcement.

It was not until 1996, that the Government set up the UHRC to among others monitor human rights violations and improve accountability mechanisms. The Commission in its work has raised a number of observations which we are glad to report that have helped the police to improve its human rights observations. Below are the issues raised and our corresponding responses.

2.0 ISSUES RAISED BY THE COMMISSION SINCE 1997

These issues are not reviewed chronologically. They may not be the only ones but obviously they are representative of the most serious and critical areas of concern raised by the Commission.

(1) Issue of concern co-operation with the UHRC

In its 1997 Human Rights reports the UHRC had reported lack of co-operation with the UPF in the area of denying them easy access to our detention centres, and responding to summons issued against our officers.

Action taken:

This was quickly resolved by issuing of administrative instructions by the IGP in 1998 instructing all unit commanders to give full access to the UHRC to visit police stations and inspect places of detention. Since 1998, The Commission has full access to our detention facilities, visiting them without notice.

We have also fully cooperated with the UHRC in all aspects, such as attending all workshops whenever invited. We also invite them to facilitate in our workshops and they respond positively.

(2) Concern raised:

Poor conditions in police cells;

The earlier UHRC reports of 1997 and 1998 raised the issue of poor conditions in police detention cells. That the cells had no ventilation, poor toilet facilities and lack of beddings. That children were being detained together with adults.

Action taken.

This situation had been caused by the state of the physical structures at the police stations by then, which were old and dilapidated. There was generally no running water in most districts.

However, this situation has been improved through rehabilitation of most of our police stations and through building of new stations. The new stations include Masaka, Ntugamo, Kapchorwa, Nebbi, Kibale, Dokoro, Katakwi, Entebbe, Bundibudyo, Amudat, Kalangala, Rakai, Bushenyi, Arua, Nakapiripirit, Hoima Region Headquarters, Apac, Sironko, Masindi.

The stations now have better detention facilities, with separate cells for children and women.

Through the help of our development partners, we have build child reception centres at police stations of Masaka, Gulu, CPS Kampala, Kapchorwa, Hoima, Kumi, Katakwi,

Feeding of suspects has improved as we pay for their feeding in all major police stations. We have encouraged police posts to remain transit points where suspects are transferred to major stations immediately they are arrested.

(3) Issue of concern

Lack of established Human Rights desks. In their 1997 Annual Report, the UHRC raised the issue that the police lacked Human Rights desks to handle issues of human rights abuses.

Action taken

In 1998, the IGP established a police human rights and complaints desk based at Police human rights and complaints desk based at police headquarters to handle all issues of human rights violations in the police.

This unit has now been upgraded into the professional standards unit which not only looks at human rights abuse per se, but also enforces professional standards in general. The unit has handled a number of cases and action has been taken against errant officers. (see appendix 1 for details)

(4) Issue of concern

Torture in police cells

The early reports of the UHRC 1997- 2003 raised the issue of torture in police cells.

Action taken

This phenomenon had been brought about by many factors that included lack of proper investigative skills, lack of strong mechanisms to fight torture and the activities of operation Wembly of 2002.

The following steps were taken.

- I. Police management regulated against torture among its officers, by training of police officers against torture through out the country.
- II. Officers who engaged in acts of torture are severely punished.
- III. The operations wembly were rationalized into the Rapid Response Unit in 2003 which is a police unit under C.I.D.

Today, acts of torture have been almost eliminated. Only isolated cases arising out of individual actions of errant officers are reported. These are severe punished.

(5) Issue raised:

Detention beyond 48 hours

The UHRC has over the years raised the issue of detention of suspects beyond 48 hours. This state of affairs has been brought about by poor and slow investigative process and lack of enough logistics and personnel to handle investigations.

Action taken

The practice of detention of suspects beyond the constitutionally accepted 48 hours has been tremendously reduced through the restructuring of the C.I.D where we created new departments to handle specific types of cases. The creation of the crime intelligence departments where we emphasize intelligence led investigations and/ or operations have greatly reduced the practice of arrests before investigations.

We have also restrained ourselves from arrests especially on cases relating to civil and political rights and media cases. We now encourage summoning of suspects to our offices for statements and we release them on bond as investigations continue. We have also used the police bond to avoid long detentions.

We have also discouraged our officers from conducting arrests before completing investigations.

This effort has been recognized by the Uganda Human Rights Commission in their Annual Report of 2007(Page 31) where the commission acknowledges that most Police Stations have complied with this rule.

The practice now remains more common in police posts where transport and other logistics are more inadequate to transport these suspects to the main stations or to Courts of Laws. Some areas lack Courts of Laws that sit on regular basis to receive these suspects. And some courts sit just a few days in a month.

6 Issue raised

Public demonstrations were harshly suppressed by the police and people are prevented from freely enjoying this constitutional right.

Action taken:

This issue has been addressed through

- (a) Open dialogue between the police and the opposition
- (b) We have implemented the statutory instrument on the regulation of assemblies and demonstrations in which the jointly developed guidelines were included.

- (c) We are also working with government to gazzatte areas for public assemblies.
- (d) We have also intensified community policing where we engage members of the public on having alternative ways of expressing dissatisfaction other than resorting to violent demonstrations and riots.

7 Issues raised

The SPCs were ill-trained, formally of LDUs and were not adequately trained to handle policing.

Action taken:

- (a) Most SPCs have been retrained in law, firearms handling and general policing
- (b) Together with the UHRC we trained many SPCs on human rights.
- (c) We have increased supervision of SPCs, they don't work unsupervised.

8 Issue raised

Police officers are un willing to issue police bond (UHRC 7th Annual report)

Action taken

- (a) We have encouraged police officers to issue police bond
- (b) We have trained our officers on the issue of police bond
- (c) We have developed I.E.C materials in different local languages and displayed them at different police stations.
- (d) We have widely sensitized the public on the issue of police bond through media programmes thus empowering them to demand for the bond.

Other general institutional measures taken by the UPF to improve Human Rights observance

(I) Reforms.

(a) Human rights were integrated into the UPF training curriculum since the yea 200. it is on independent and examinable subject. We are also revising the curriculum to integrate human rights into every subject in the police.

(b) A human rights training manual for police officers was developed in partnership with the UHRC and it has between implemented since 2000. It has now been revised to incorporate contemporary human rights issues.

(c) Trainer of trainer's courses in human rights were conducted for 120 police trainers so that they can train the entire force.

(d) Human rights training workshops for senior and police officers were conducted all over the country. Conducted in partnership with the UHRC since 1998

(e) We have a project with the International committee of the Red Cross to train our officers in human rights and humanitarian principles. Under the project, since 2005, 100 trainers here been trained, and 400 personnel of MPPU, 65 of RRU and 1200 of ASTU have been trained by ICRC. This project is still ongoing for the next 2 years.

(f) We have a project under the European Unions' Human rights and Good Governance Programme. Under the project, " Capacity building and Human Rights Training Project", police trainers, senior officers and former LAP officers are being trained in human rights, constitutionalism and community policing. The training is conducted together with the UHRC. Under the European Union Programme we are also developing a human rights pocket book for police officers

II Improving police facilities

As earlier mentioned, we have constructed many new police stations and refurbished others, where detention facilities have been tediously improved.

(v) introduction of community policing

Through the community policing programme we work with members of the public to increase community safety, legal, awareness, humans rights awareness and enhance police accountability. This programme has been in police since 1994

III Opening up new police posts

We have increased the number of police posts and made sure that there is a police post at atleast every sub county.

IV Increasing police presence

We have increased the police numbers from a mere 14000 in 2005, to 38,000 now, including Auxiliary forces. Through this, we have managed to increase police presence in the North, and North Eastern parts of the country thereby improving public safety and protection of peoples lives and properties.

V Integration of LAP

LAP have been successfully integrated into central police and are being retrained. This has improved the human rights situation that was characterized with LAP personnel and facilities.

VI Restructuring of the UPF, especially C.I.D

We have restructured the police to make it more efficient. We have particularly restructured the C.I.D to make it intelligence led, thereby reducing on arrests before investigations, conjunction in cells and reduce on the case backlog.

VII Open door police

We have adopted an open door policy where we encourage members of the public to access any senior officer including the IGP without any hindrance.

VII Internal disciplinary mechanisms

Through our disciplinary court system, we handle all errant officers who violet human rights. Punishments range from fines to dismissal.

IX Implementation of the recommendations of the Sebutinde Commission

A committee was set up with the UPF that implemented the recommendation of the Sebutinde commission. Some people left the force and steps were taken to improve police welfare.

X Establishment of the professional standards unit and the human rights and complaint desk.

This unit has gone a long way in enhancing professionalism and observance of human rights.

XI Cooperation with other agencies

We have opened our doors to all the human rights agencies that want to work with us to improve human rights observance these include.

- i. UHRC
 - ii. ICRC
 - iii. African centre for rehabilitation of torture victims
 - iv. Save the children
 - v. European Union
 - vi. UNCEF
 - vii. Unifem
 - viii. Centre for prevention of domestic violence
 - ix. Office of the UN Commissioner for human rights
- Etc

Conclusion

In conclusion, it can be clearly seen that although there has been cases of human rights violations pointed out by the UHRC over the years, we have not just sat back and relaxed. A lot has been done to address these concerns and improve the situation.

We have also called on other partners to help us improve the human rights situation.

It should be noted however, that some of the violation are as a result of factors related to the whole chain of the criminal justice system such as lack of R.S.As in some districts and lack of courts of judicature and magistrates in other districts other factors are due to general lack of logistics and funds from government.

However, as the police, we are committed to improving the state of human rights observance with our ranks and will do every thing within our means to reduce or eliminate acts of human rights violations with the police.

For God and My Country.

MAJ. General Kale Kayihura
inspector general of police