

101 Things you wanted to know about the Police but were too afraid to ask



HURINET - UGANDA
Human Rights Network - Uganda



CHRI
Commission for Human Rights Initiative
Working for the realization of Human Rights in Uganda



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**MINISTRY OF
FOREIGN AFFAIRS
OF DENMARK**

**101
THINGS**
*You wanted
TO KNOW
ABOUT THE
POLICE
BUT WERE
TOO AFRAID
To Ask*

INTRODUCTION

The primary purpose of **101 Things You Wanted to Know About the Police But Were Too Afraid to Ask (101 Things)** is to improve relations and build trust between the police and the public, enabling joint peace building efforts in Uganda.

The police are perceived by many in the public as suppressing them in order to promote the interests of the rich and the powerful. The police are often perceived as being corrupt, especially in extracting money from the less well off. We consider that better understanding and relations between the police and the public would come about if both of them have a better understanding of and respectful dialogue on the obligations and rights of the police and the duties and rights of the people.

101 Things explains the authority of the police and the rights of the people that they must respect. But there is also an explicit focus on highlighting that both the police and the public have rights and duties that must be respected, and everybody have a role in providing peaceful relations, accountability, violence reduction and local security. We believe that the full benefits of the pocket book will be achieved if both the public and the police carefully study and follow it.

The relationship between the police and the public goes back to the time of the colonization of Uganda, when the primary purpose of the police was to suppress Africans in the interests of the colonial power. To some extent this continued after independence—and with this the uneasy and often tense relationship between the people and the police.

Both those in authority and the police considered that the main role of the police was to protect the interests of those who controlled the state. There was little accountability of the police for their conduct and there was limited knowledge in the public on the people's duties and rights. The 101 booklet is written in accordance with principles and values of protecting the rights and security of the people and the accountability of state institutions, based on Ugandan law.

We hope that both the public and police will study 101 Things with care, will learn, and even enjoy.

Finn Kjærulf,
Urban Violence - Security,
Protection and Prevention, DIGNITY

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PART I:

INTRODUCTION TO UGANDA POLICE FORCE

1. What is the Uganda Police Force?

The police is the civil force established by the 1995 Constitution of the Republic of Uganda that is responsible for the prevention and detection of crime and maintenance of law and order. UPF is short for the Uganda Police Force. It consists of the members of the regular Uganda police, the Uganda Police Reserve and anyone appointed as a special constable. Officers are sent out all over the country to serve the community.

2. Why do we have a police force?

We have a police force to provide safety and security. The functions of the police are laid out in Article 212 of the Constitution of the Republic of Uganda and include:

- (a) To protect life and property;
- (b) To preserve law and order;
- (c) To prevent and detect crime; and
- (d) To cooperate with the civilian authority and other security organs established under the Constitution and with the population generally. The police as the law enforcers are there to make sure that everyone, including the police force itself, follows the law at every step.

3. What laws regulate the police?

There are several laws which govern the Uganda police: the Constitution of Uganda, the Police Act, the Uganda Police Standing Orders as well as other guiding laws. For example if the police is investigating an issue on domestic violence, they are also guided by the Domestic Violence Act.

4. Is there a specific law governing the Uganda Police Force?

Yes, the Police Act. The Police Act provides for the structure, organization and functions of the Police force, a police disciplinary code of conduct.

5. Does the Police Act also apply to members of the public?

The Police Act applies to the public by providing for obligations from the public to help the police in doing their job properly. For instance, it is an offence for a member of the public to intentionally give false information to a police officer.

This is because the police should not waste their time conducting investigations based on untrue information. The Police Act also provides for a system that can be followed for the public make complaints against errant police officers.

6. Can the police create offences and give punishments to suspects as they deem fit?

No. The Police cannot charge a person with crimes that are not listed in the laws of Uganda.

Two main laws outline police procedures: the Criminal Procedure Code and the Penal Code. The Criminal Procedure Code outlines the procedures that the police have to follow when a crime has been committed. The procedures concerns both the victim and to the accused.

The Penal Code, on the other hand, sets out the kinds of behaviors that the law of Uganda does not allow, and which are therefore known as “crimes” or “offences”. The Penal Code also sets out the punishment for such actions.

7. What powers do the police have?

The law of Uganda assigns the police certain powers to do their job properly: make arrests, carry out searches and seizures, investigate offences, question witnesses, interrogate suspects, disperse illegal assemblies, and maintain law and order in the society. The police must use these powers only in accordance with the law and not in any other way.

8. How many police forces are there in Uganda?

There is one police institution and it is called the Uganda Police Force (UPF). The UPF is divided into different directorates, departments and units with special responsibilities. See question 13 for more information.

9. How many police uniforms do we have?

There are currently eight different uniforms. The various uniforms represent various divisions of the Uganda Police Force:

1. Olive Green uniform (Khaki) – General Duties Police Uniform;
2. White uniform – Traffic Police;
3. Blue camouflage uniform - especially used during management of crowds;
4. Navy Blue Uniform – Marine Unit;
5. Black Uniform – Counter Terrorism Directorate;
6. Brown Camouflage – Anti-Stock Theft Unit (mainly based in Karamoja region);
7. Light Blue Shirt and Dark Blue Trousers – Aviation/Airport Police;
8. White Shirt and a Dark Blue trouser – Police Air Wing.



Some police officers do not wear uniform, especially detectives who investigate crime. The Uganda Police Force has discretion to change the colour where the need arises. It is an offence to wear a police uniform if you are not a police officer.

10. Apart from the uniform, how can I tell if a person is a police officer?

Police officers should have a name tag displayed on the chest of their uniforms. The name tag is called service badge. In addition, all police officers must have a warrant card that they must produce on request. The warrant card is their special identity card showing their police number and a passport photograph among other details.



1 1. What is the distinction between CID and CI?

CID is the Criminal Investigation Directorate dealing with investigating crime with a view to prosecute. Crime Intelligence Directorate (CI), on the other hand, is concerned with spying, collecting information and analyzing crime for safety and security. The CID and CI officers are given training in criminal investigation and detective work.

12. How do I know that a person is CID or CI?

The officers working in the CID and CI are part of UPF, yet these officers are usually in plain civilian clothes. You can ask the person to identify himself/herself. This could be during arrest or investigation or any other incident by requesting him or her to show you his or her warrant card.

13. How is the UPF organized?

The UPF is divided into a number of directorates, departments and units. The heads of directorates form the Police Advisory Council (PAC) which is the key decision making organ in the police. Each directorate is divided into several departments and units that specialize in different areas and functions.

Across the country, the UPF has 27 regional commands. Each regional command is made up of several districts/divisions. The region command supervises district/division police commands which are located at every district. There are various policing districts, police stations and police posts spread across the various districts of the country.

The police authorities have the discretion to establish more police posts and police stations in tandem with the creation of new districts and the gradual increase in population of people in particular communities.

14. What is the relationship between the police and the army?

The police and the army are separate and independent from each other, both in terms of their command and duties. The main role of the army is to protect the territorial boundaries of the country while the main role of the police is to keep law and order within the country. The police can request the army to help the police and, in such situations, the army is under the command of police. That said, the Constitution requires the police to co-operate with other security organs and this allows the Government of Uganda to deploy the army or other special units in relation to maintaining law and order.

15. Are crime preventers and private security guards police officers?

No, they are not police officers but just like any other community member, they complement the police. Crime preventers are supposed to be community members of good character who volunteer to work with the police in order to ensure safety and security within the community. Crime preventers are supposed to be selected by the community leaders in consultation with the communities. Private security guards are persons employed by private security firms or organizations licensed by the government and supervised by police. The role of private security guards is to guard the properties where they are deployed.

16. Can anyone become a police officer?

Yes, anyone can become a police officer. However, you have to fulfill certain conditions as laid down for each rank. The minimum requirements for different ranks are:

- Be a citizen of Uganda aged 18-25 years and not convicted of any criminal offence;
- Have a good character and be recommended by the local authorities;
- Have educational standards of minimum senior six;
- Be physically and medically fit.

For senior officer entry rank, the above criteria apply and, in addition, one must be a university graduate and between 18-30 years (for cadets entering police as graduates).

17. What training will I get as a police officer?

When you join the police training college, you will be trained on all main police duties and procedures. You will undertake training for a period of one year before being appointed as a police officer.

While working as a police officer, you may attend refresher training on particular matters and in relation to being moved into specialized units. Sometimes, further training is used as a basis for promotion from one rank to another. You will train at one of the police training colleges such as Kabalye-Masindi or Olilim in Katakwi district or at the Senior Command and Staff College in Bwebajja-Entebbe in Wakiso district.

18. Do we have enough police officers?

Uganda has about 42,000 police officers. That is about one police officer for 903 people. There is no clear standard about how many police officers there ought to be for a given population. However government acknowledges the challenges within the UPF which relate with numbers, skills and equipment that tends to limit effective performance of the UPF.

19. Are there women in the police force?

Yes, there are about 7106 female police officers (17%). Women are encouraged to become police officers.

20. Do women police officers have different duties?

No. All police officers can do the same duties, depending on their rank and the unit, department or directorate that they are in. However, it is usually women who work with female and child victims of sexual or gender based violence. The Police Child and Family Protection Department is mandated to deal with the violation of rights of children and women.



Women and men police officers have the same duties

21. Are there any special reservations or quotas in the police force?

No, there is no legal requirement for special reservations in the Uganda Police Force. Women and men are given equal opportunity during recruitment. However, considering the low percentage of females, women are highly encouraged to apply.

22. Why is it necessary to have people from different backgrounds in the police force?

It is important that a police force has a good mix of men and women and people from every religion, class, and ethnic and racial minority to reflect the national character. This increases understanding of the behaviour and attitudes of different communities and their culture, and helps to remove prejudice and discrimination. Additionally, the police follows a general principles of non-discrimination in its recruitment exercises as provided for under the constitution of Uganda.

23. What are the different ranks in the police?

The ranks of the police are divided into three categories. The first category is made up of Senior Officers: the Inspector General of Police (IGP), Deputy Inspector General of Police (DIGP), Assistant Inspector General of Police (AIGP), Senior Commissioners of Police (SCP), Commissioners of Police (CP), Assistant Commissioners of Police (ACP), Senior Superintendents of Police (SSP), Superintendent of Police (SP), and Assistant Superintendent of Police (ASP).

The second category is called the Inspectorate officers made up of Inspectors of Police (IP) and Assistant Inspectors of Police (AIP). The third category is the Non-Commissioned Officers made up of Head Police Constables (HPC), Sergeants, Corporals, and Constables. There is also a group called Special Police Constables who are recruited on short contract to fill a particular urgent manpower demands, for example during elections. However, their contracts are renewable.

Police Officers Ranks

Category	Rank	Identification
SENIOR OFFICERS	Inspector General of Police (IGP)	
	Deputy Inspector General of Police (DIGP)	
	Assistant Inspector General of Police (AIGP)	
	Senior Commissioners of Police (SCP)	
	Commissioners of Police (CP)	
	Assistant Commissioners of Police (ACP)	
	Senior Superintendents of Police (SSP)	
	Superintendent of Police (SP)	
	Senior Assistant Superintendent of Police (ASP)	
The Inspectorate	Inspectors of Police (IP)	
	Assistant Inspectors of Police (AIP)	
Non-Commissioned Officers	Head Police Constables (HPC)	
	Sergeants	
	Corporals	
	Constables	
Special Police Constables		

24. What is the distinction between senior and junior officers?

Senior officers are police officers from the level of IGP to assistant superintendents of police (ASP). Junior officers are police officers from the rank of inspectors, assistant inspectors and other ranks who form junior officers.

25. Can a traffic police officer arrest me for an offence other than a traffic offense?

Yes. A traffic officer is a police officer currently assigned to traffic duties, but if they see you committing any crime, they can arrest you just like any other police officer. At the same time, any police officer can enforce traffic rules and regulations.

26. Who is in charge of the police force?

The UPF is headed by the Inspector General of Police (IGP) who is assisted by the Deputy Inspector General of police. Both the IGP and his/her deputy are appointed by the President with approval of the Parliament. Under Ugandan law a person does not need to be a police officer to be appointed the IGP or deputy IGP.

27. Who does the Inspector General of Police report to?

The IGP reports to the Minister in Charge of Internal Affairs. The IGP is often required to answer to the President since the UPF is part of the security forces of the country.



IGP, Minister of Internal
Affairs, and president

28. Does a police officer have to obey any order by his or her superior?

No. A police officer must obey orders when they are lawful. He or she will be held responsible for any wrong doing in the court of law. Any abuse of power or negligence of duty will amount to a breach of discipline, civil wrong or a crime, and the police officer is liable to be punished.

29. Who finances the police and how are the funds accounted for?

The UPF is paid for by the tax payers to provide a service. The budget for UPF is approved by the parliament. The draft budget is prepared by the police under the Ministry of Internal Affairs and it is sent to the cabinet for approval. After cabinet approval, the draft goes to the Parliament for discussion and debate. It will then be finally approved. The budget allocated to policing covers expenses such as salaries training, investigation, infrastructure, equipment, uniforms and housing.

The allocated funds are audited on an annual basis by the Auditor General and submitted to Parliament. The annual accounts can be accessed by anyone upon request. Besides tax payers, development partners may provide financial and material assistance to the police.

30. Police officers do risky work, are they insured?

Police officers do work in dangerous environments and some get killed or wounded in the line of duty. Unfortunately, there is no insurance cover for the police officers in Uganda. However if they injured on duty, the government compensates them. And if they die on duty, the estate (family) of the deceased shall be compensated under the relevant workmanship laws and procedures of the UPF.

31. Is a police officer always on duty?

The Police Act states that a police officer is “to be taken to be on duty at all times.” It means that wherever they are, in or out of uniform, they must act to uphold the law. A police officer cannot say “I am not on duty” if they witness a crime taking place or they hear a call for help.



**A Police Officer is
always on duty**

32. Can I hire a police officer for my own security?

Yes, if there is a threat against you. The State may arrange security for you or you will have to pay for the security. According to the Police Act, if you need extra police persons deployed to an area and the authorities agree to it, you can pay for the police arrangements for a limited time.

For example, for a large gathering or at private occasions the police may agree to provide a few extra hands in that area at your cost, whereas if an area is crime prone or there is a public rally, it would be the duty of the police to provide extra police personnel and no question of payment would arise.

33. Are police officers allowed to use public transport or take things from the market, shop or store without paying?

No, police officers are not allowed to use public transport or take things from the market, shop or store without paying. Like other citizens, police officers must pay for their purchases.

34. Is it only the police that can carry fire arms?

No. Police can carry fire arms and so can other security agencies such as Uganda People's Defence Force (UPDF), Internal Security Organisation (ISO), and External Security Organisation (ESO). Licensed private companies or individuals can also carry firearms, but they are supervised by police to follow the strict rules not to abuse the firearms.

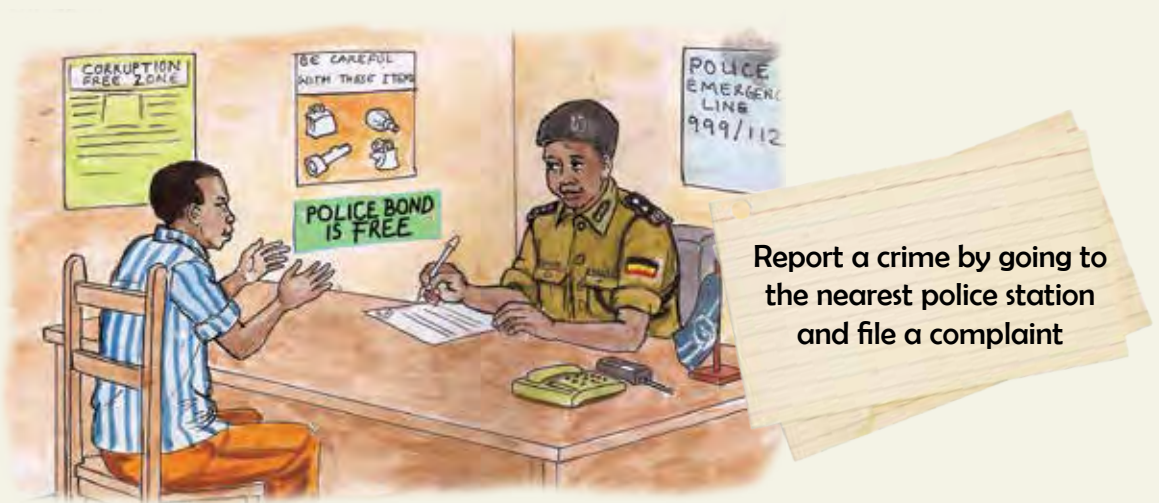
37. Who can report a crime to police?

A victim, witness or any other person knowing about an offence can report a crime. As a citizen it is your duty to report suspected crime to police. The police will then commence investigations about the matter.

38. How can I tell the police about a crime?

A person has the following options:

- Go to the nearest police station to file a complaint about the crime.
- Inform an officer nearby.
- Report to the nearest Local Council (LC).
- Call the police on the emergency line 999 or 112
- Arrest a person you suspect has committed a crime and immediately hand the person over to police.



39. Can I report to any police station?

A person can report a crime at any police station, but it is better to go to the nearest police station or police post in whose operation area the crime occurred because they respond quicker.

If a person makes a complaint at any other police station, the police are required to record your complaint and send it to the concerned police station. A police officer cannot refuse to take your complaint by saying that it did not happen in their jurisdiction.

40. Who will I find in the police station?

The person in charge of the police station is often called the OCS (Officer in Charge of the Station). OCSs have a number of police officers under their command who are responsible for different tasks – receiving complaints and keeping registers, patrolling, guarding the police weapons, guarding suspects, etc. Some police stations have gender desks, where there should be an officer dealing with gender based violence.



- 1 Reception
- 2 Officers on duty
- 3 Station Diary
- 4 The Cell
- 5 Officer in Charge of the Station (OCS)
- 6 Exhibit store
- 7 Armoury
- 8 Officer in charge of criminal cases

41. Can the police refuse to record any complaint about a crime?

No, the police cannot refuse to record a complaint. It is the duty of the police to listen to every person seeking help and record a statement to determine if a crime has been committed. A police officer should listen, enter the matter in the Station Diary (SD), give you a reference number of the case, and inform on what they will do to deal with your complaint. Lack of identity documents, such as a national identification card, cannot be a basis of refusal to record your complaint.

In cases where the act you are complaining about is not a crime but a civil dispute, such as a recovery of a debt, the police shall advise you on steps to take.

42. I tried to report a crime, but the police refused to record it. What do I do?

You can approach a senior officer at the police station or go to the nearest magistrate and report the offence. Make sure that you get a reference number and proof that the complaint was filed, which you will need to follow up the report.

Another option is to go to the nearest Professional Standards Unit office (PSU) and file a complaint against the officer that refused to record your complaint.

43. Is it important to record a statement?

Yes, because it is a recorded version of the story and will be used as evidence against the suspect. A recorded statement also helps the police know where to start with investigations and other follow up.

44. What should be recorded in a statement?

A recorded statement includes the person's version of the facts as he or she knows them or has been told. It is important that the person gives the correct information. Never exaggerate the facts or make assumptions or conclusions.

When you make a complaint, you should give the date and time of the incident. Carefully, describe the role of every person involved: who they were, where they were, what they were doing, the sequence of what was being done by each person, any kind of injury or damage to person or property that has been done (Property includes animals, houses and other items).

Weapons can be sticks, knives, guns and pangas (machetes) etc. It is best to get all the facts and circumstances recorded as soon as possible. If there is some delay in recording a complaint make sure the reason for the delay is also noted by the officer. While recording a statement, the police officer may ask you repeated questions, this is to help them get a clearer picture of the events and who might be responsible.



45. How can I be sure that the police has written what I told them?

After you have made the statement, the police officer will ask you to read it or he/she will read it to you. In case the police officer did not record what you told him/her correctly, you must request the officer to make adjustments and then you give final approval. Once you agree that the statement is correct, you will be asked to sign or thumb print it to show that this indeed is your statement. Sometimes police officers may request you to sign every page of the statement for authenticity purposes.

46. What happens once my complaint is made with the police?

The complaint sets the police investigation into motion. The police may speak to victims or witnesses, record statements, check out the crime scene, send articles for forensic examination and bodies for post-mortem, and question several people.

Each lead may initiate further investigation. Once the investigations are complete, the officer in charge must make a full record of it. If the investigation reveals that a crime has been committed, the investigation and evidence are recorded, a charge sheet is prepared and the suspect is arrested and taken to court.

47. Is there a special unit to investigate crimes against women and children?

Yes. The Police Child and Family Protection Department mainly deals with the violation of rights of children and women, but men can also lodge their complaints. The department is intended to be managed mostly by female police officers because the victims tend to feel more comfortable with female officers. However, male officers also work in the department.

When a person comes to report a case and the officer at the front desk determines it to be a violation of the rights of a woman or a child, the officer may refer the matter to a person in charge of the Child and Family Protection Desk – or the person can request to talk to someone in the Child and Family Protection Desk as his/her first point of preference.

According to the police gender policy there should be a gender officer at all police stations and all police establishments.



48. Will the police automatically arrest everyone named in the complaint?

No, the naming of someone in a complaint is not a reason for arrest. The police must establish sufficient grounds or collect enough evidence to suggest that the person may have committed a crime before the police can make an arrest. Upon arrested, a person could be charged and taken to court or be released on bond pending investigations.

49. If the police suspects me of committing a crime can they also arrest my family members?

No. There is no guilt by association. Each person's guilt or innocence has to be judged by his or her own actions. No one's freedom can be taken away except for a specific lawful reason. Whilst the police cannot make arrest due to association, the police can request friends and

family members to co-operate by way of giving statement for example to find out about your movements.

50. What is a charge sheet?

This is a document prepared by a police officer or magistrate that details the offence and particulars of the suspect. A charge sheet shows the suspect's details and the details of the alleged offence. Once an investigation is complete, the officer in charge will decide if there is sufficient evidence to prove that a crime has been committed and, if so, record the evidence in the charge sheet for the prosecution and the court. If all the elements of a crime are not made out, it will be a waste of time to bring the accused to court. The prosecutor will evaluate the charge sheet, especially the evidence to establish if the alleged offence was committed.

51. Can the police close my complaint without taking any action?

The police must make investigation and on the basis of the evidence conclude whether or not a crime was committed. The police can only close a case if they find no evidence or after giving sufficient reasons and sometimes on advice of the Director Public Prosecution (represented by Resident State Attorney at the District level).

52. Will I be kept informed of the progress of my case?

The law does not require the police to keep you informed about your case's progress. It is the responsibility of the complainant to follow up on the case of. That said, it is good practice for the police to inform a complainant about the progress of a case provided that it does not compromise the investigation.

53. What can I do if I am not satisfied with the way the police are investigating my complaint?

If the police refuse to move forward or they undertake investigations very slowly or willfully disregard obvious lines of inquiry, a person can complain to a senior police officer. The senior police officer can then order the junior police officer to investigate and can also call for the record of investigation. Another option is to file a complaint before the Professional Standards Unit (PSU) or the Human Rights and Legal Services Directorate at the regional offices of UPF.

54. Can I call a police officer whenever I want?

Yes. The police are there to serve and to act promptly and respond efficiently when approached by the public. You can call the police if you are in trouble, if a crime has occurred or is occurring, if some people are fighting and there is likelihood of disorder or a riot, or if you have serious information to give them. But you should not call the police for things that are not connected with their job, or waste their time with frivolous information and allegations that have no foundation.

PART III: RIGHTS AND DUTIES THAT YOU AND THE POLICE HAVE DURING ARREST AND CUSTODY

55. Can a police officer arrest me without giving a reason?

No. A police officer must tell you the reason for the arrest. Different circumstances can lay the grounds for an arrest: a) a person is caught in a criminal act, b) a person is found to be helping someone else commit a crime before, during or after its occurrence; c) the police has reasonable suspicion that someone is about to commit a crime, or d) an investigation present evidence that raise reasonable suspicion that they have committed a crime. An arrest is done by a police restraining the person's movement and this may include telling the person not to go, handcuffing the person or detaining the person.



56. What are my rights during arrest?

- Any person arrested shall be informed in the language he/she understands, at the time of arrest; the reasons for his/her arrest and the charges against him/her;
- He/she shall be informed of his/her right to have access to a lawyer or anyother legal representative and be given adequate opportunity to communicate with that representative;
- He/she shall be given an opportunity to notify his/her family about the arrest and place of detention at the time of the arrest;
- Where necessary, an interpreter shall be provided during interview.
- During arrest a person should not be tortured, harassed or beaten.

57. What are my rights while in police custody?

Being in police custody does not mean that you are guilty, you are a suspect who has a right to be presumed innocent until proven guilty in the courts of law. A person is entitled to food, medical care and other rights even when under police custody.

In custody, you have a right to access your legal representative – a lawyer and your family members. Under Article 24 of the Ugandan Constitution, it is against the law for a police officer to subject any person to torture or any other cruel, inhuman or degrading treatment. A police officer should not beat, slap, threaten or intimidate you.

58. Can the police hold me in a secret place or not tell anyone that they have arrested me?

No, the police have a duty to inform the person arrested and his/her next of kin about where he/she will be taken. The fact that a person is entitled to a lawyer during his/her interrogation means that, at a minimum, the place of custody must be known and accessible to friends and relatives.

Upon arrest, the police are responsible for the person's well-being and protection of his/her rights. Thus, if the person gets harmed or his/her rights are violated in any way, the police can be held responsible.

The police are duty-bound to record all those who come to the station in their station's diary and indicate the time of the arrest and what time you were brought in for questioning. This information will also be written in the case diary of the investigating officer. The police station diary must also display an updated list of all those arrested in the last 24 hours.

59. For how long can the police hold me at the police station?

In case of an arrest, the person can be held in custody for 48 hours, yet the person must be brought before a court within 48 hours to be read the charges against him or her or, if not produced before court within 48 hours, the person can be released on a police bond.

60. Why are people arrested on Friday kept in police custody until Monday?

The courts do not work during the weekend. If the police arrest you on Friday night, because the magistrates do not sit on weekends, the police can detain you until Monday. But you should always try applying for a police bond when you are arrested, even if it's the Friday night or the weekend.

61. Are there special rules for women in custody?

Yes. According to Police Standard Operating Procedures, a female can only be searched by an authorized woman. This means the woman doing the search may not necessarily be a female police officer but any woman authorized by the police to do so. Furthermore, women held in detention at a police station should be kept separate from men.



Women in custody should be handled by a female police officer

62. Are there special rules for children in custody?

Yes, children under 12 years of age are not criminally responsible for any offense and cannot be held liable for their criminal actions. Children below 18 years of age can be taken into police custody but must be taken to Court before 24 hours. However this incarceration must be a measure of last resort. The police can take them for protection to the probation and social welfare officer.

The procedure for questioning, apprehending, detaining and releasing children between the ages of 12 and 18 are provided for under the Children Act.

Children have special rights and are to be treated differently by the police.

- The police can caution and release a child, or otherwise informally dispose the matter, without resorting to formal charges.
- When a child is arrested, certain people including their parents or guardian must be notified immediately and they must be present at the station for any questioning of the child.
- Children should be on bail, either on their own statement (promise that they will attend before the court) or that of their parents, unless there is a serious danger to the child's life or health.
- If the parents are not available, and there is a danger to the child or other serious issue that prevents bail being granted, the child must be sent to a nearby remand home or another safe place of detention until they will next appear before the court.
- Children must be kept separate from adults and there are strict limits on the time that they can be detained to await trial.
- Female children should be kept separately from male children.
- The police and the Court should apply the least restrictive practices possible for children and first consider all alternatives to detention in a remand home.

63. What can I do if the police officer does not let me go beyond the mandatory 48 hours?

An arrested person should ask any police officer at the counter why he/she is being held at the police station without any action or ask to talk to the officer in charge. More importantly, his/her lawyer, family member (next of kin) or friend can immediately file a habeas corpus application in the High Court, seeking the immediate release of the arrested person.

64. What is habeas corpus?

This is a Latin word referring to a legal remedy to stop wrongful detention of people by security institutions including police. It literally means "produce the body" before court. The aggrieved person's family can contact a lawyer to file an application detailing when the detained person was arrested and for how long he/she has been detained without a fair hearing. Once the court gets an application indicating disappearance that shows that the victim was last seen in the custody of the police, the court will ask the police to immediately produce the person before it and release him/her if the detention cannot be justified. If the detention has been illegal, the court can grant compensation to the victim.

65. Is there any other way of finding out about a person who has been arrested?

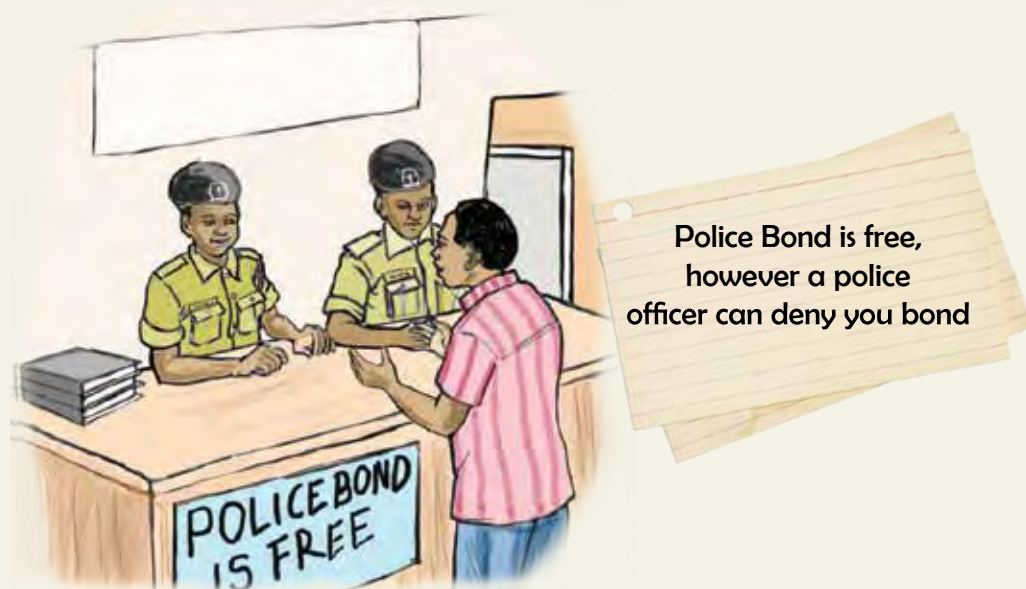
Apart from habeas corpus, you may report the matter to a) the human rights and legal advisory directorate of the police, or to b) a human rights organization, including the Uganda Human Rights Commission for redress. They may help you to find the detainee.

66. What is police bond?

Police bond is a measure to release a suspect pending investigation. It is an option for every suspect arrested and in police custody. A bond can only be given in cases where the person will not interfere with the investigation; will not disappear and where the person will be safe upon release. It is usually given when police is still carrying out investigation before they get sufficient information before going to Court.

67. Should I pay for the police bond?

A police bond is free of charge and it is taken only at the police station. According to section 38 of the Police Act, no fee shall be paid to any police officer on the police bond in a criminal case. Conditions in a police bond may include appearing at a police station on a specified date. Failure to fulfill the police bond conditions, the police officer may re-arrest the suspect and bring you before court. This is called 'cancelling the bond.'



68. Can any suspect get a police bond?

Police bond is not an entitlement. However, all suspects are entitled to apply for bond either orally or through writing to the police officer. It is at the discretion of police to grant or not to grant the bond. Thus, when a police officer denies you bond, he or she is not breaking the law.

69. What do I do when the police denies me bond?

You may apply to the court for immediate release after 48 hours from the time of detention. This process can be undertaken by your lawyers, who apply to court seeking your release on the basis that the acceptable 48 hours have lapsed. Any continued detention can only be done when you have been arraigned before court and charged.

70. Does a police bond mean that I am free and innocent?

No. You will still have to follow the conditions given within the police bond, for instance if supposed to report to police then any failure to do so may lead you to be rearrested. Only the court can determine whether you are guilty or innocent.

71. Can a member of the public arrest a suspected wrongdoer?

Yes, anyone can arrest a wrongdoer and hand that person over to police. It is a crime, however, to beat up a suspected wrong doer and it is punishable by law. Members of the public only have a right to act to protect themselves, which is called the right to self-defence, but that cannot turn into a one-sided beating or humiliation.

72. Can the public punish a suspected wrongdoer?

No, no one including the police is allowed to punish a suspect. Mob violence (mob justice) or any other form of punishment of a suspect is a crime.



Mob Violence or any form of punishment of a suspect is a crime

73. Do the suspects' rights hinder police work?

Suspects' rights do not hinder police work. The police have obligations under the law to do their job professionally and respect human rights in the course of their work. The police are only to apprehend or arrest suspects and accused people. They are also obligated under the law to question suspects in the course of the investigations. Meanwhile, people in custody must be given every protection from false accusations and mistreatment. That is why the "restrictions" are there. And they are not restrictions at all, just procedures designed to make sure that everyone has a fair chance before the courts.

74. There are so many rights for the accused person - what about the victims?

Human rights apply to any person including the accused person. A person accused of grave offences such as murder, treason, rape or defilement has the right to facilities such as free legal aid through the government lawyer. This provision is to safeguard that an accused person can defend himself/herself in the court of law as the person may turn out to be not guilty. The State is behind the victim in the investigation and arrest of the suspected criminal; in the prosecution in the court and in the punishment of the guilty.

PART IV: RIGHTS AND DUTIES THAT YOU AND THE POLICE HAVE DURING INVESTIGATIONS AND PUBLIC ORDER MANAGEMENT

75. Do I have to obey every order from a police officer?

It depends. Yes, if the lawful order is related to his or her duties and no, if it is not a lawful order. Everyone has a duty to assist a police officer in doing his or her duty; for example if the police officer is trying to stop a fight, prevent a crime or stop someone from escaping his or her custody. If you have information about a crime, it is your duty to pass that information on to the police. You also have a duty to give evidence in a court of law if you know or have seen something relevant to a criminal case.

An unlawful order can be an order that require you to commit a crime or do something that is outside the powers of police. For example if a policeman asked you to beat a suspect, such an order is unlawful since torture is illegal.

76. Can I refuse a police request for me to go to the station?

Yes, but the police officer is only at liberty to request you to go to a police station when the officer is formally arresting you. In matters related to traffic, you can only be summoned in writing to be questioned or give information that can help solve a crime.

77. Can the police officer force me to make a statement or a confession?

No. A police officer has a right to question you but he/she cannot force you to make a statement or confess to crime that you have not committed. A police officer cannot physically assault you in custody – that is against the law and the police officer can be charged and sent to prison or fined for such conduct.

If you are being questioned as a suspect of a crime, or after being arrested, you do not have to say anything other than giving the police your personal details (name and address). It is recommended that someone else is there with you when you are being questioned.

78. Can a police officer come into my home unasked, search it and take things away?

Usually, the police can only enter your house if they have a search warrant. However, in some circumstances they can search your house without a warrant. This can happen only if a suspect or an object needs to be obtained without delay and there is fear it would be lost without immediate action.

79. What is a search warrant?

A search warrant is a court order authorizing a police officer to enter and search private premises. The law requires anyone wanting to enter to explain before a magistrate the reasons for their believing there are goods, papers or people hidden in the premises, which will help solve an investigation. It is important to know that:

- The officer must show the written and signed warrant by a Magistrate before entering.
- The police officer carrying the search warrant must not be below the rank of a sergeant. You can find out the rank by asking for the warrant card that the officer must have at all times.
- A search under a warrant should take place during day time and should be limited to

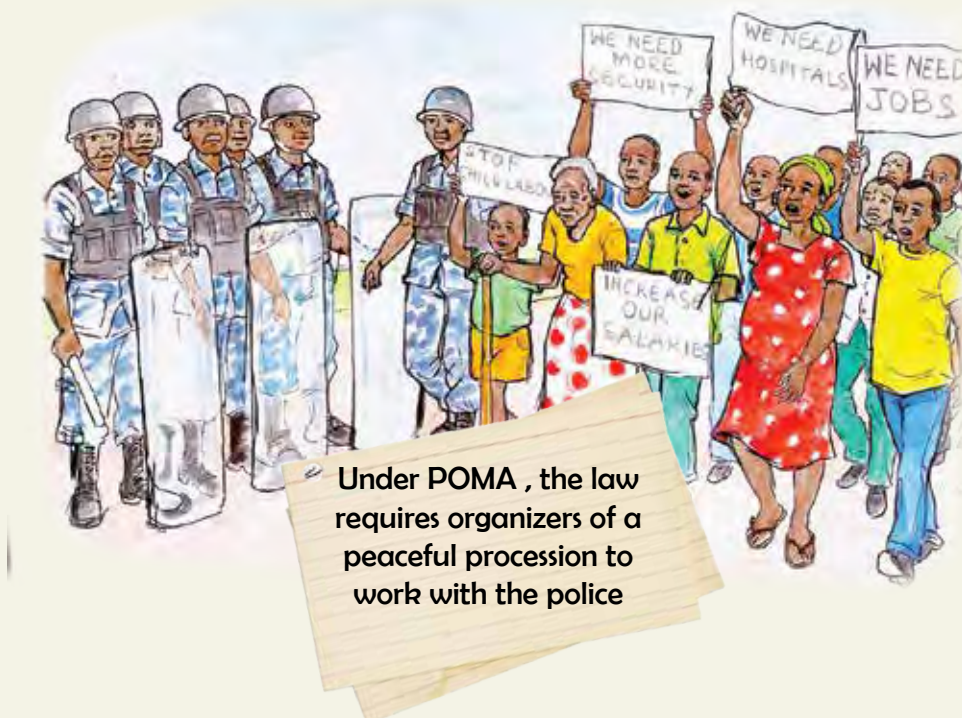
the areas specified in the warrant. For example if the warrant specifies the search of a shop, it would be illegal if the police searched the home of the owner of the shop. The police are supposed to be careful, act humanely and not cause unnecessary damage or destruction to the property.



The Police cannot cause unnecessary damage or destruction to property

80. Can the police stop me from being part of a peaceful procession or public meeting?

No, no one can stop you from taking part in a peaceful procession or demonstration. Article 29 of the Constitution of Uganda gives every person the right to assemble and to demonstrate peacefully. If you want to organize a peaceful demonstration you must notify the police prior to conducting a procession, under the Public Order Management Act (POMA). The law requires organizers of a peaceful procession to work with police to ensure safety and security of persons involved in the demonstration and members of the public.



Under POMA , the law requires organizers of a peaceful procession to work with the police

81. Can the police use force in stopping a public meeting or procession?

Yes, if the meeting is unlawful or have become violent. When reasonable time has passed since a senior police officer ordered a meeting to break up and the members don't close the meeting, according to the Police Act, the officer "may take all necessary steps for dispersing the persons... or for apprehending them." This may include use of 'reasonable force'. If someone resists the arrest, the police can use force but only the force that is reasonably necessary to overcome any resistance for a public meeting/procession to end.

82. What should the police do if the crowd is unruly damaging property?

The police should contain the situation by protecting life and property but there is a sequence to how they must go about their actions. The overriding principle of managing crowds is to negotiate through dialogue with the demonstrators, not through the use of force.

First, warnings must be given for the crowd to disperse within a given time period. Second, if the crowd remains after the given time, the police can use dialogue to negotiate with the demonstrators. Thirdly, if negotiation does not lead to a solution, the police can use force to disperse the crowd.

The force must be reasonable under the circumstances and the non-lethal force or weapons should be used for example batons or tear gas. Police should always use the least harmful option first and only move on if that is ineffective. The police is only to resort to use of firearms in situations of self-defense or protection of human life or property and only to shoot to disable, not to kill.

83. When should the police use firearms?

Firearms are to be used only in extreme circumstances; only in self-defense or to protect human life or serious injury. If necessary and reasonable in the circumstances, police officers can also use fire arms against people escaping custody or arrest.

PART V: COMPLAINTS AGAINST A POLICE OFFICER

84. Are police officers above the law?

No, no one is above the law. The police must obey the law and live according to the laws that are laid down in our Constitution, the Police Act, and the Police Standing Orders and orders given by Courts. A police officer is expected to be polite, transparent, law abiding, a good listener, and respectful.

If a police officer violates the law he/she should be reported to the Professional Standards Unit of the police or Uganda Human Rights Commission. You can lodge a complaint to any of the above bodies through email, telephone; walk in to any of the bodies or through a letter. It is always good to make a written complaint and get a receipt.

85. Can a police officer be punished if he or she has done wrong?

Yes. A police officer can be punished like any other citizen of Uganda if he/she violates the law. The Police Act sets out a Disciplinary Code of Conduct that imposes certain rules for police officers and sets out punishments if officers break those rules. A police officer can be punished under ordinary courts of law for crimes like any other citizen.


86. What can I do if the police officer neglects his/her duty?

If a police officer neglects his/her duty, you can complain against that police officer to a senior police officer in supervisory role, the Professional Standards Unit or the Legal Advisory and Human Rights Directorate of the Uganda Police Force and to the Uganda Human Rights Commission.

87. How can I lodge a complaint against a police officer?

You can use the Police Form 105, a form specially designed for this purpose. The form can be found at police stations and where there is no form, a person can make a written complaint addressed to the Regional Professional Standards Unit.

A person who cannot read or write can make an oral complaint to a police officer at the Station. It is the duty of that senior police officer to write down the complaint. The officer will read aloud the complaint to the person and ask him/her to sign it or put a thumb print. Ensure that you are given a reference number for easy follow up. Additionally, you can report the matter to a Senior Police officer.



UGANDA POLICE FORCE

Ref No. _____
Date _____

COMPLAINTS AGAINST A POLICE OFFICER (POLICE FORM 105)

PART I: INTRODUCTION

This form is for lodging complaint/s against a police officer on cases of violation of human rights and unprofessional conduct under Section 70 of the Police Act 2013 which provides for complaints by the public against police officers. A person is entitled, without prejudice to any other legal means of redress available to him or her, to make a written complaint as to—(a) any instance of bribery, corruption, oppression or intimidation by a police officer; (b) any neglect or nonperformance of his or her duties by a police officer; (c) any other misconduct by a police officer.

PART II: COMPLAINANT PARTICULARS

1. Name: _____
Age: _____

2. Gender: ☐ Male
☐ Female

3. Place of Residence (Village, Sub County, District, Plot No.)

4. Telephone: _____
Email: _____

Police Complaint Form 105

88. What happens after my complaint has been lodged?

An investigation is to be carried out and if the investigation and the complaint is found to be genuine one should expect any of the following actions taken against the particular police officer: dismissal, demotion, suspension, apology and warning. If there is a criminal element to the investigation, the officer can be charged in courts of law. If the investigations do not show that the officer was at fault, the complainant should be informed accordingly.

89. Will the police refuse to take a complaint against their own colleague?

If a person makes a complaint at any other police station, the police are required to record your complaint and send it to the concerned police station. A police officer cannot refuse to take your complaint by saying that it did not happen in their jurisdiction.

90. Where else can I lodge my complaint?

If you do not want to or cannot complain through the police system, or to the nearest magistrate, you can take your complaint to human rights bodies and commissions. To complain about a violation of human rights, you can lodge a complaint with the Uganda Human Rights Commission

and the Equal Opportunities Commission. For issues related to corruption, there is the Inspector General of Government (IGG) and Director of Public Prosecutions.

All these Commissions have regional officers in the various parts of the country. These organizations will look into your complaint, make inquiries and according to their powers, can direct that a charge be laid against a police officer, order the release of someone from detention, or order compensation be given to a victim. However, complaints against police officers can also be lodged in ordinary courts. You can also complain at the various NGOs and Civil Society Organizations in your area such as Human Rights Network Uganda (HURINET-U).

91. What is the role of the Uganda Human Rights Commission in checking police powers?

The Uganda Human Rights Commission has a Directorate of Complaints, Investigations and Legal services that investigates complaints of violations of human rights. Besides receiving complaints, the Commission can decide to investigate a matter at its own initiative. The Commission is authorized to undertake this function under Article 52 of the Constitution of Uganda. Thus, if a police officer violates your human rights, you can lodge a complaint with the Commission, and the Commission may undertake an investigation.

After completing an investigation, the Commission can decide to provide a remedy including mediation tribunal hearing, caution letters, direct the Director of Public Prosecutions to prosecute a person, and/or compensation.

The Commission has a mandate to visit, inspect and assess detention facilities to ensure compliance with human rights standards. The Commission presents its findings in a report that is handed over to the Speaker of Parliament for it to be debated on the floor of parliament. Through such avenues, the excesses done by Police are highlighted for accountability purposes.



The Uganda Human Rights Commission has a Directorate of Complaints, Investigations and Legal services that investigates complaints of human rights violations.

PART VI: COMMUNITY POLICING

92. What is community policing?

This is a police strategy that allows the police and the community to work together to pro-actively identify and solve problems of safety and security in the community.

93. What are the benefits of community policing?

Community policing helps the community work together with police and other authorities to fight crime and find solutions to problems that is affecting the particular community. It also helps the community come together to find solutions to challenges that they might be facing.

94. What is the role of the police in community policing?

The role of police is generally to coordinate the community to come up with initiatives to prevent crime. These initiatives focus on supporting community self-help initiatives that focus on preventing and detecting crime while at the same time proving support to arrest and investigation of crime.

95. What is the role of the public in community policing?

- Share information with police to address security or crime related concerns in a given locality;
- Attend meetings and dialogues with police when called upon;
- Report crimes and suspected crimes as and when they occur;
- Report suspicious characters;
- Expose corrupt practices in the community;
- Record statements with the police after reporting cases;
- Attend court if summoned.

96. How do we work together with the police?

You can work together with police by joining the different community policing initiatives in your community. These include attending meetings called by the LCs or police discuss issues concerning the community, sharing information with local leaders and police on any suspicious characters, joining groups such as to local village crime prevention groups, engaging and discussing the police on issues of crime and security in your locality.



We can work together
with the police in different
community policing initiatives

97. Who is a crime preventer and what is their role?

Crime preventers are persons selected among members of the community to help police in ensuring law and order at the community. They are selected by the police working with LCs from law abiding members of the community. Crime preventers report to police and are the eyes and ears of the police in places where there is no police. Their function is to report crime to help police to carry out its work.

98. If a crime preventer did someone wrong, can I report him?

Yes, crime preventers are ordinary citizens who work with police to prevent and detect crime. However, in cases where a crime preventer has been involved in commission of crime or any other wrong, you can report a crime preventer to their leaders, to the community liaison officer or to an OC of a police post near you.

99. Who are the Community Liaison Officers (CLO)?

Community liaison officers are police officers found at different police stations responsible for linking the community and the police. They work with the community to fight crime and ensure law and order. They conduct their work through community meetings, such as barazas, workshops, weddings and funerals.

100. What is neighborhood watch?

Neighborhood watch is an approach under community policing where neighbors come together to look after each other as a means of preventing crime or being able to report crime in the community. It exists in various forms such as “Mayumba Kumi” where every 10 households come together to watch over each other and report all suspected crime within their neighborhood. Other examples include market vendor groups, WhatsApp groups aimed at safety and security of its members.

101. If my community does not have a neighborhood watch group, how can we start one?

If your community does not have a neighborhood watch, you can consult the LCs or the police to start one. The CLO will guide you on how to start one and how to work with other community members to prevent crime. If the group already exists, the CLO or the LCs will guide you on how to work with the group to detect and report crime.

Human Rights Network Uganda (HURINET-U)

is a network of human rights organisations and formally registered as an independent, non partisan and non for profit organisation.

Plot 94, Old Kiira Road, Ntinda
P.O. Box 21265 Kampala, Uganda
Email: hurinet@gmail.com
Website: www.hurinet.or.ug

The Commonwealth Human Rights Initiative (CHRI)

as an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth

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Phone: +91-11-43180200 Fax +91-11-2686-4688
Email: info@humanrightsinitiative.org / Website: www.humanrightsinitiative.org

DIGNITY is the Danish Institute Against Torture;

a human rights institute which works with treatment, research, international development work and advocacy under one roof

Address: Bryggervangen 55, DK - 2100 Copenhagen Ø
Phone: +45 33 76 06 00
Website: www.dignityinstitute.org

