

Police on the Agenda in East Africa?

Joshua N. Auerbach

Police, Prisons & Human Rights Programme, CHRI

In Kenya, Tanzania, and Uganda, three of the most rapidly-changing societies in the Commonwealth, citizens, policymakers, and police officers are rethinking and redefining the proper role of the police. CHRI has joined this discussion.

The last ten years have brought a dramatic expansion of democratic political practices and institutions in East Africa and a genuine reinvigoration of democratic values. Multi-party politics has returned to Kenya and Tanzania. Uganda has steadily confronted the legacy left by decades of dictatorial rule and civil strife. Each of the three countries, with the assistance of international donors, has embarked on a sustained review of its judicial sector. The once-moribund East African Community has been resurrected, providing a venue for the police of Kenya, Tanzania, and Uganda to adopt cooperative measures. And, encouragingly, there are individuals strongly committed to the protection of human rights among the senior leadership of the police force in each of the three countries.

Kenya, in particular, is entering a time of extraordinary political change. Kenyans are simultaneously rewriting their constitution and, in the wake of President Daniel arap Moi's decision to step down after twenty-four years in office, electing a new president. It is hoped that, among many other changes, the combination of a new constitution and new leadership will bring greater public accountability to the operations of the Kenyan police.

Yet there is also discouraging news. In all three countries, the ruling party appears to maintain an inappropriate involvement in police activities, particularly around election time. In Tanzania, this was demonstrated in tragic terms in Zanzibar in January

2001, when at least thirty-five opposition political protesters were killed, and 600 injured, in clashes with the police. The last two elections in Kenya in 1992 and 1997 were also marred by ethnic violence in which, according to the just-released report of a judicial commission headed by Justice A.M. Akiwumi, the perpetrators were aided and abetted by the police. Ugandan security forces recently shut down the country's most widely circulated daily newspaper and arrested some of its top editors. Studies and court cases

reveal that many police throughout East Africa still rely heavily on torture to extract confessions. And, in each of these three corruption-plagued countries, opinion polls often show that the public views the police force as the single most corrupt institution in government. Millions of Kenyans, Tanzanians, and Ugandans do not trust the police to help them if they are victimized by crime. Indeed, many citizens believe that certain members of the police force are among the most flagrant perpetrators.

Moreover, crime appears to be on the rise in all three countries. Victimization surveys in Dar es Salaam and Nairobi by the United

Nations Center for Human Settlements (Habitat) have revealed crime rates comparable to those in Durban and Johannesburg. Citizens in the most vulnerable sections of these cities are under almost constant threat of victimization. Rising crime in Kampala recently led President Yoweri Museveni to initiate "Operation Wembley," a military operation whose members were authorized to shoot to kill armed robbers on sight.

The police in Kenya, Tanzania, and Uganda continue to operate on shoestring budgets, and with too few personnel, even as rising crime rates increase the demand for their services. In Tanzania, citizen groups,



often referred to as *sungusungu*, have stepped into the breach, sometimes taking the form of neighborhood watch groups that collaborate effectively with the police, sometimes taking the form of vigilante groups that torture and steal with impunity. Kenya has seen the steady proliferation of vigilante groups that are perceived, especially in the capital city, as perpetrators of violence and extortionist in their activities.

Despite the bad news, and in part because of it, the present moment may represent the best opportunity to implement police reforms in East Africa since the early years of independence from colonial rule. As the extent of corruption, the widespread incidence of torture, and the inappropriate involvement by ruling parties in police functioning has been revealed, public demand for police reform has reached unprecedented levels. Meanwhile, political change and enhanced regional cooperation have created new institutional frameworks through which to achieve reform and brought progressive leadership to the fore that would welcome the prospect of change. For those interested in reform, there is now a rare convergence of motive and opportunity.

In an attempt to help take advantage of this moment, CHRI, with the assistance of the Ford Foundation, has initiated a study of the police in East Africa, with a view to providing empirical information that can form the basis for sustainable and practical police reform in the region. The study has two points of focus. First, CHRI will seek to understand the police command structure and the mechanisms through which the police are made accountable to the public. Second, CHRI will study the budgets of the three police forces and explore the impact of funding on crime management and citizen safety. In the coming years, CHRI hopes to produce a series of publications that shed light on these areas, publications that can serve as tools for citizen education and that can also lay the groundwork for policy-level discussions inside and outside the police force.

Currently in the first stages of the project, we have already initiated discussions on the need for reform with police officers, human rights commissioners, academics, activists, and lawyers throughout the region. These dialogues will certainly enrich our work. They have already provided a great deal of inspiration. □

Editorial Contd.

The current panic about international terrorism has also had its impact on human rights in the Commonwealth. While public safety and the right to peace require that citizens be protected, some of the laws that have been passed in haste seem more aimed at reducing rights while providing no more protection. Two presidents in Mauritius resigned rather than approve an anti-terror Act there, and in Uganda the bill proposed that publication of photographs of the president should be strictly controlled, for alleged security reasons.

While some Commonwealth delegations at Geneva have been obstructing progress on a UN Declaration on the rights of Indigenous Peoples, Commonwealth Law Ministers at their recent meeting in St Vincent were willing to strengthen their adherence to international instruments. Their officials asked them to review their constitutions and legislation and to bring them in line with the latest conventions and thinking in the area of human rights, including the freedoms of assembly and association. Human rights NGOs must now hold them to this.

However the Commonwealth Law Ministers are not always so progressive. Their model legislation on freedom of information includes a long list of exemptions, including material on the national economy, material obtained in confidence and items that could be in contempt of parliament. This does not strengthen the public's right to know as much as it should, and could limit the work of investigative journalists. Such 'model' legislation should not be unquestioningly adopted in the law but be the basis of wide debate that educates the public about the implications of the law. Similarly, the effort by Law Ministers to reduce the loophole for "political" offences in extradition treaties could expose non-terrorists to the vengeance of governments that dislike their dissidents.

The Commonwealth still has a long way to go in upholding human rights, and making them meaningful to poorer and illiterate citizens. It is safe to predict that the next Commonwealth summit, scheduled for Abuja in December 2003, will see as many struggles for rights as the last in Coolum, which led to suspension of the Mugabe regime in Zimbabwe. □