

Police and the Media in Uganda: Independent oversight of the Police is the next step

2012

Introduction

Amidst the allegations of police brutality against journalists in May 2012, Inspector-General Kale Kayihura promised to establish a police Press Unit to investigate complaints of human rights violations against the media. According to the Human Rights Network for Journalists (HRNJ), there were more than 100 recorded assaults against journalists in 2011, with most complaints being against the police. Significantly, HRNJ also state that none of these incidents were investigated conclusively, although the Inspector-General has recently promised to re-open and investigate all cases again.

Whilst the Commonwealth Human Rights Initiative applauds the Inspector-General on establishing such an internal unit, we believe that the government should also establish an independent body to investigate all complaints of serious misconduct by the police, including complaints made by journalists.

What would be the use of such a body?

A specific body to oversee the police is a key way to ensure that the police are accountable to the public - the people they are employed to protect. Such a body could impartially investigate all complaints of serious misconduct by police officers, and report on their findings to the public. The body could also investigate all deaths and serious injuries that were caused as a result of police action, as the newly established Kenyan Independent Policing Oversight Authority will do.

This will mean that the actions of the police that significantly infringe on people's rights, such as causing a death or a serious injury, will be checked on. If the police were acting lawfully and appropriately in the situation, then this will be shown in the outcome of the investigation. If the police were not following the law, then the independent body could recommend prosecution or appropriate disciplinary action.

This body could also audit the investigations of the internal police units, to check that such investigations are being carried out satisfactorily, eventually reducing the need for the Inspector-General to keep re-opening already investigated cases, as he is doing here.

Key requirements of such a body

- ✓ Appointed by an independent process and approved by Parliament - not appointed directly by the President , Prime Minister or other politician
- ✓ Members of body must have sufficient experience
- ✓ Can take complaints against the police from members of the public and investigate
- ✓ Can initiate an investigation into police action that is not the subject of a complaint (suo moto)
- ✓ Mandated to investigate deaths and serious injuries that may have been caused by police action
- ✓ Mandated to investigate all deaths and serious injuries caused in police custody
- ✓ Given sufficient investigatory powers and adequate forensic equipment
- ✓ Empowered to make binding recommendations for action including prosecution, discipline or policy review
- ✓ Charged with reporting regularly to Parliament and the public
- ✓ Adequately resourced

Police would be one of the main beneficiaries of such reform

Although the Uganda Police Force might initially be wary of a body that checks on their actions, in reality it will actually be a good thing for the police. Oversight of police actions by an independent body will help redeem the public image of the police, that has suffered a battering after the deaths and injuries caused during the walk-to-work protests, the Ingrid Turinawe incident, the publicly admitted human rights violations committed by officers of the former Rapid Response Unit and the high number of reported assaults against journalists.

Unfortunately this means honest, decent police officers suffer from the negative image caused by the actions of a few. This, however, could change if there was a body to check on the police and report their findings publicly, improving the public trust in the police force, leading to police officers once again gaining the respect and confidence of the public. In



turn, as trust increases, the public will feel ready to come forward and assist the police in their work.

Assist government in meeting obligations

Further, establishing such a body would ensure that the government can meet its obligations under the United Nations Universal Periodic Review (UPR) process. Under the UPR process, the government agreed to ensure “impartial, independent investigations are undertaken into allegations of human rights violations by security forces, including torture and other cruel, inhumane or degrading treatment, and that the findings of those investigations be made public”.

As part of this UPR process the government of Uganda must ensure these impartial and independent investigations occur when there are allegations of human rights violations by the police. Establishing a body to do this on a permanent basis will mean that the government do not need to set up different units or inquiries each time such allegations are raised – hence it will be more efficient and effective for a permanent independent body to be in place.

Although setting up an internal unit to investigate violations against the media is a good step forward, in addition to this unit, an external oversight body will also strengthen the Ugandan Police Force. It is critical in ensuring that the police are both held, and seen to be held, accountable for their actions. The establishment of such a body will benefit everyone in Uganda: the public, the police, and the government.

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