# 101 THINGS YOU WANTED TO KNOW ABOUT THE POLICE **But Were Afraid To Ask**











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#### **Foreword**

On a daily basis the public is in close contact with the police as they execute their duties such as; regulating traffic, controlling crowds, accompanying people to court, giving evidence, receiving and filing complaints at the police stations/posts or taking on suspected criminals and militants in the field. In reality, most people in Uganda know little about the police work. People only get to know about the police through news papers, TV and by word of mouth or when they get in contact with the police during suspected crime or in difficulty. Everyone has an opinion about the police and often it is not at all flattering.

In a democracy, the police are not agents of the government in power, but rather have a constitutional duty to protect and safeguard everyone. Like bureaucrats, the police are public servants paid for by citizens for their service. Hence, citizens have an obligation to play an oversight role and demand for accountability.

It is important to note that, just as the police have a duty towards citizens, the people have a duty towards the police. In this regard, people should not fear and dislike the police or go to them only when in difficulties. They have to work together to uphold the law, understand their work and challenges, what they do and how they do it, what their organization looks like and the limits of police powers and duties.

Quite often, people have numerous questions and issues they want to know about police, but get afraid to ask. This booklet is an easy guide to knowing the police and is brought out with a hope that people knowing about their police and their own rights will help them to demand for better police service.

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### A. INTRODUCTION TO UGANDA POLICE FORCE

### 1. What is the Uganda Police Force?

The police is the civil force in 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 that might be appointed, from time to time, 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 to 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, and the Uganda Police Standing Orders and other guiding laws.

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

Yes, the Police Act. The Police Act lists the functions of the police as: protecting life and property and other rights of the individual; maintaining security within Uganda; enforcing the laws of Uganda; ensuring public order and safety; detecting and preventing crime in society, and performing the services of a military force. It also talks about what the police can and cannot do how the force is organized, who supervises the force, who makes appointments, what punishment and disciplinary actions the police will face for doing wrong. It also lays down some rules for the public to follow.

# 5. In what way does the Police Act apply to members of the public?

The few offences in the Police Act are mainly put in to help make sure that the police can do their job properly. For instance, it is an offence 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.

# 6. What is the Criminal Procedure Code Act and the Penal Code Act?

Criminal Procedure Code Act sets out the procedures to be followed by police and the Penal Code Act outlines offenses & punishments prescribed by law.

When a crime is committed, there are always procedures that the police have to follow, both in relation to the victim and the accused. These procedures are detailed in the Criminal Procedure Code Act. The Penal Code Act, on the other hand, sets out the kinds of behavior that are not allowed by the law and that are known as "crimes" or "offences", as well as the punishment for such actions. Offences can also be found in other laws.

### 7. What powers do police have?

The police have different powers, all of which are given by law and they must use them only according to the procedure laid down in the law. So they can make arrests, carry out search and seizures, investigate offences, question witnesses, interrogate suspects, disperse illegal assemblies and maintain law and order in society, but they have to do it strictly in the way the law lays down and not any other way. They cannot act just as they wish or want to. 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.

#### 8. How many police forces are there in Uganda?

There is one Uganda Police Force, but it is divided into various units with special responsibilities. These include; the child and Family protection unit, the training and planning unit, traffic, land protection, professional standards unit, community affairs, fire prevention and rescue services, Criminal Investigation and Intelligence Directorate and canine unit and others

## 9. How many police uniforms do we have?

The Uganda Police Force has various police uniforms. The various police uniforms represent different divisions of the Uganda Police Force

- Olive Green uniform(Khaki)—general police uniform
- White uniform—Traffic Police
- Blue camouflage uniform( commonly known as madoa doa)
   Field operations especially used during management of crowds
- Navy Blue uniform—Marine Unit
- Black Uniform—Counter Terrorism Unit
- Brown Camouflage—Anti–Stock Unit thefty Unit



# 10. How can I tell if a person is a police officer and not some other official?

Police officers have a distinct uniform, the uniform for general duties and most other officers is khaki with a head dress with a service badge, belt and shoulder epaulettes that show their rank and which unit they belong to. Police officers should also have a name tag displayed on the chest. Some special units have a different uniform, such as traffic police who wear a white uniform and the Mobile Police Patrol Unit, who wear a blue camouflage print uniform. All police officers must have a warrant card that they can produce on request.



The police has a discretion to change the colour where need arises. It is criminal to wear a police uniform if you are not a police officer.

### 11. How many police stations are there in the country?

The Uganda Police Force has 26 regional commands. There are various policing districts, police stations and police posts spread across the various districts of the country.

## 12. What is the relationship between police and the army?

The Constitution requires the police to co-operate with other security organs established under law including the army. This allows the Government to deploy the army or other special units on law and order duties.

The army has its main role to protect the territorial boundaries of the country while the role of the police is to keep law and order within the country. It is only on request of the police that the army should come in to help the police and while helping the police they are under the command of police.

# 13. Are crime preventers and private security guards police officers?

No, they are not police officers but both complement the role of the police. Crime preventers are community members of good character who volunteer to work with police to ensure safety and security of the community of their locality. On the other hand, private security guards are persons employed by private security firms or organizations licensed by the government and supervised by police.

#### 14. Can anyone become a police officer?

Anyone can become a police officer. However, you have to fulfill certain conditions and standards as laid down for each rank. The minimum requirements for direct entrants are: One must be a citizen of Uganda; should be between the ages of 18 and 25 years; must have not been convicted of any criminal offence; must be of good character and also recommended by the local authorities; must have minimum educational standards of senior six; must be physically and medically fit. The requirements are different for higher ranks, and are specific to the position and rank you are trying to apply for.

### 15. How can I join the Uganda Police Force?

Recruitment is conducted depending on the vacancies in the force and the funding available. Adverts are sent out through the media calling for the interested individuals to apply with the necessary requirements. Sometimes community radios are used to inform the populace that the recruitment team shall be in a particular place at a particular time.

There are various levels at which you can join the UPF. However the main ones are:

- 1. Probationary police constables: must have a minimum educational standard of senior six;
- 2. Cadet assistant superintendants of police: must be a university graduate.

## 16. What training will I get as a police officer?

You will undertake training for a period of one year before being appointed as a police officer. Once you are working as a police officer, there may also be regular training to refresh you on particular

matters and there may also be training as officers are moved into specialized units. You will train at one of the Police Training Schools such as Kabalye–Masindi or Olilim.

### 17. Do we have enough police officers?

No. According to the United Nations standards, one police officer should attend to 450 people. Currently there are approximately 41,072 UPF officers for an estimated population of about 33 million Ugandans. This equates to 1 police officer attending to 803 people.

Generally, there is a shortage of police officers for crime prevention, detection and overall maintenance of law and order. This is a challenge because, while it may seem wise to just hire all the extra officers, the force must be very careful that the officers are qualified and trained properly, which takes time and money.

### 18. Are there women in the police force?

Yes, but there are about 7106 female police officers (17%). More women are being encouraged to join.



#### 19. Do women police officers have different duties?

No. All police can do the same duties, depending on their rank and the unit they are in. However, it is women who usually work with female and child victims of sexual or domestic abuse. The Police Child and Family Protection Unit is mandated to deal with the violation of rights of children and women, and is intended to be an all female officer unit because the victims tend to feel more comfortable with females. More recently, however, male police officers are being encouraged to join.

# 20. 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. Both women and men are given equal opportunity during recruitment.

# 21. Why is it necessary to have all kinds of different people, including minorities, 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.

## 22. What are the different ranks in the police?

The lowest rank on the ladder is the probationary police constable. From there, the ranks move up to Police Constable, Corporal, Sergeant, Assistant Inspector of Police (AIP), Inspector (IP), Assistant Superintendant of Police (ASP), Superintendant of Police (SP), Senior Superintendant of Police (SSP), Assistant Commissioner of Police (ACP), Commissioner of Police (CP), Senior Commissioner of Police (SCP), Assistant Inspector General of Police (AIGP), Deputy Inspector General of Police (DIGP) and finally the Inspector General of Police (IGP).

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

Yes. A traffic officer is also a police officer basically given traffic duties. If he or she sees you committing any crime he can arrest you just like any other police officer can.

### 24. Who is in charge of the police force?

The Police is under the ministry of Internal Affairs. All police units report to the Inspector General of Police (IGP). The IGP is the Chief Executive of the force, and also the Chief Public Relations Officer. The IGP (and the second in command, the Deputy Inspector General) are appointed by the President with the approval of parliament, and can be removed from office by the President as well.

Ugandan law gives no criteria or standards for appointment or removal to these positions, and establishes no fixed term of office for the IGP.



## 25. Who does Inspector General of Police report to?

The IGP reports to the minister in charge of Internal Affairs.

# 26. Does a police officer have to obey any and all orders given to him or her by his senior or by any other person who is competent to give that order, like the Minister?

No. A police officer must obey orders only when they are lawful. He will be held responsible for anything wrong he or she does even if he or she has been ordered to do it. He/she can never excuse his behaviour by saying that someone in authority told him/her to do something which was wrong and unlawful. That will not protect him/her.

### 27. Who gives money for policing?

The police are paid by the tax—payer to provide a service. The government has a part of the budget allocated exclusively for providing police services.

#### 28. Who approves the budget and what is it spent on?

The budget is approved by the parliament. The draft is prepared by police under the Ministry of Internal Affairs and is then sent to the cabinet for approval. From there it goes to the Parliament for discussion and debate. It will then finally be approved. In the part of the budget allocated to policing, the money is usually spent on salaries, and other expenses include training, investigation, infrastructure, housing etc.



# 29. How do we know that the money the police gets is accounted for?

Annual accounts are audited by the Auditor General and submitted to Parliament and can be accessed by anyone on request.

### 30. Police officers do risky work. Are they insured?

Police officers do work in dangerous environments. Some do get killed or wounded in the line of duty. Unfortunately, in Uganda, there is no insurance cover for the police officers.

### 31. Is a police officer always on duty?

The Police Act makes it clear that a police officer is "to be taken to be on duty at all times". But that does not mean that he or she is never allowed to rest. 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 hears a call for help.

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

Yes, you can, if there is a threat to you. Sometimes the State will arrange security, sometimes the security has to be paid for by you. 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 additional police arrangements for a limited time. So, For example, for a large gathering or some private occasion the police may agree to provide a few extra hands in that area at your cost. But if an area is crime prone or there is a public rally or event taking place, 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 without paying?

No, police officer is allowed to use public transport or take things from the market without pay. Like all citizens, police too have a duty to pay for their purchases.

### **B: TELLING POLICE ABOUT CRIME**

#### 34. Is there a distinction between CIID and CID?

CIID is the Criminal Investigation and Intelligence Directorate and CID is the Criminal Investigation Department. CID is the investigative agency of the police and is a department under the Criminal Investigation and Intelligence Directorate. The Directorate includes departments concerned with criminal intelligence and investigation. The officers are given training in criminal investigation and detective work.

## 35. Is the CID different from the police?

No. The officers working in the CID are selected from the general UPF. However the officers are usually in plain civilian clothes.



#### 36. How do I know that a person is CID?

Ask the person to identify himself/herself during arrest and investigation by requesting for his or her warrant card.

# 37. What is the difference between a criminal case and a civil case?

Criminal cases are generally offenses against the state (Uganda). Criminal offences are seen as a crime against both the state and the person, so the state (Uganda) will investigate the matter and prosecute the person involved at court. This is because it is the duty of the State (Uganda) to ensure that members of the public are safe, and that public order is maintained. Someone who commits a crime is threatening public safety.

Civil cases on the other hand, are typically disputes between individuals regarding the legal duties and responsibilities they owe each other.

However be recognized that a dispute may result in both criminal and civil liability. For instance during a land dispute there might be a murder case and the police will come in to handle the crime and not the civil aspects of the dispute.

### 38. Suppose I want to tell the police about a crime, what do I do?

You can call the police on emergency line 999/112 and where the two numbers cannot be reached call the Professional Standards Unit toll free lines 0800200019, 0800199199, 0800199299. You can also go to the nearest police station to file a complaint about the crime. Or, if there is an officer nearby, you should go straight to that officer and tell him or her what happened. If you are watching a

crime occur, or think one is about to, you may also go to the nearest Local Council(LC) or arrest the suspect and hand over to police.



# 39. Who can report a crime to police?

A victim, witness or any other person knowing about an offence can report the crime to police. The police will then commence investigations about the matter.

# 40. Do I have to go only to the nearest police station or can I report to any police station?

You can report a crime at any police station, but it is better to go to the nearest police station in whose jurisdiction the crime occurred because they respond quickly. If you make a complaint at any other police station, the police are required to make a record of your complaint and send it to the concerned police station. They cannot

refuse to take your complaint by saying that it did not happen in their jurisdiction.

#### 41. Can the police refuse to file my complaint about a crime?

No, not if what you are complaining about is a crime under law, like murder, rape, robbery, police neglect or abuse, etc. Even if the police are busy or for some other reason does not want to take your complaint, they have to. They should listen to you, enter the matter in the Station diary, give you a reference number of your case and give you some advice on what they will do to deal with your complaint. However, if the act you are complaining about is not recognised as a crime under the law, like recovery of a debt, the police shall to advise you accordingly.

# 42. Suppose my complaint is about a recognized crime but the police refuse to take or record it. What can I do?

You report to the senior officer, and insist that they register it. If that doesn't work, you should ask to complain to the most senior police officer at the station or go to the nearest magistrate and report the offence. Either way, make sure to get a reference number or some proof that the complaint was actually filed, just to be safe.

## 43. Is it important to record a statement?

Yes because it a recorded version of the story and will be used as evidence against the suspect.

#### 44. What should be recorded in a statement?

Your version of the facts as you know them or have been told is what is recorded in the statement. It is always better if you know the facts first—hand but, to make a complaint, it is not necessary that you have seen the offence. Whichever it is, you must only give the correct information. Never exaggerate the facts or make assumptions or implications.

When you make a complaint, you should give the date and time of the incident. Carefully, describe the role of every person involved: where they were, what they were doing, the sequence of what was being done by each person, any kind of injury or damage to property that has been done. Do not forget to mention the kinds of weapons involved, if any. It is best to get all these 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.



# 45. How can I be sure that the police have written what I told them correctly?

Remember that the complaint, or your statement to the police, is your version of what you know. It is not the police version of anything. The police are there to take it down accurately without adding anything or taking anything out. Anything you are asked to sign should be read out to you first and you must agree with it before you put your signature or thumb print.

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

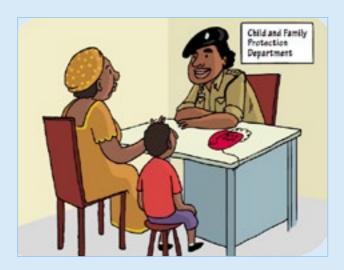
The complaint sets the police investigation into motion. As part of that, the police may speak to victims or witnesses, record statements, check out the crime scene, send articles for forensic examination and bodies for post—mortem as necessary, question several people and with each lead go on to make further investigations. Once investigations are complete, the officer in charge must make a full record of it. If the investigation reveals that a crime has been committed, all of the investigations and evidence are recorded, a charge sheet is prepared and the suspect is arrested and taken to court.



# 47. What about crimes against women and children – is there a special unit to investigate these matters?

Yes. The Police Child and Family Protection Department mainly deals with the violation of rights of children and women. It is intended to be predominantly managed by female police officers because the victims tend to feel more comfortable with female officers.

However, male officers are working in the department. Much of the department handles women and children matters and men can also lodge their complaints.



### 48. What is a charge sheet?

This is a document prepared by a police officer or magistrate that details the offence and particulars of the accused.

After all the investigations are done the officer in charge will look at the facts and decide if there is enough evidence to show that a crime has been committed and record it 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 evidence to establish if the alleged offence was committed.

# 49. Will the police automatically arrest everyone named in the complaint?

No, and they should not. Just because someone is named in the complaint is no reason to arrest them. It is only when there are sufficient grounds or evidence for believing that a person may have committed a crime that the police can arrest them.

### 50. Can the police close my complaint and not take further action?

It depends. If, after they have made their own inquiries and fairly decided there is not enough evidence to support the offence, or that the crime was not committed at all, they may close the case after giving sufficient reasons and sometimes on advise of the Director Public Prosecution. The police cannot decide the investigation would be too time—consuming, or that they don't believe you for no reason, and close it on their own.

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

There is nothing specific in the law that requires the police officer to keep you informed about the progress of a case. However, it is good practice to tell a complainant how the case is going – provided it does not compromise the investigations. It is your responsibility to keep on checking on the case to find out how far the report has reached.

# 52. What can I do if the police are not investigating the matter or there are delays in investigation or refusing to examine the most obvious lines of inquiry?

If the police refuse to move forward or undertake investigations very slowly or willfully disregard obvious lines of inquiry you can certainly complain to a senior officer. The senior officer can then order the junior police officer to investigate and can also call for the record of investigation.

# 53. Can I call a police officer whenever I want?

The police are overworked and their numbers are few, so the public cannot constantly call them up with frivolous complaints and unsubstantiated information. However, of course you can call the police if you are in trouble, if a crime has occurred or is occurring, if there is a likelihood of some riot, if some people are fighting and there is likelihood of disorder, or if you have serious information to give them. But you cannot call the police for things that are not connected with their job. Sometimes people play mischief and call the police even if nothing has happened. You can be punished for such acts.

#### C: YOUR RIGHTS AND RESPONSIBILITIES

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

If it is a lawful order that is related to his or her duties. In fact, everyone has a duty to assist a police officer in doing his or her duty; especially if the police officer is trying to stop a fight or prevent a crime or trying to stop someone from escaping his or her custody. In fact, if you have information about a crime it is your duty to pass that information on to the police. It is also a duty not to shelter or harbor any offenders. 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.

#### 55. Do I have to co-operate with the police?

Yes. If a police officer asks you to assist in their lawful duties in some way, such as being a witness to the arrest of a person or searching a house, you must go and help. Police is encouraging citizens to assist them in keeping law and order through its community policing programme under the Community Affairs Department. Different police stations in the country have community liaison officers who work closely with the communities.

## 56. What is community policing?

This is a police policy that allows the police and the community to work together to solve problems of crime and in security in the community.



### 57. What is the role of the public in community policing?

- Share information with police to address a security concern in a given locality
- Attend meetings and dialogues with police when called upon
- Report 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 when summoned

# 58. Suppose a police officer asks me to come to the police station, do I have to go?

Yes. It is good to cooperate with the police but not necessary unless the officer is formally arresting you or on matters related to traffic. Otherwise, if he or she has reason to believe you have information that can help him solve a crime, or you are to be questioned, you must be summoned in writing. Until that is done, you cannot be forced to go to the Police Station or post.

### 59. Do I have to answer all the questions the police officer asks?

You have the right to silence. However, it is often better to answer questions honestly in a straightforward manner and inform the police of any facts you may know. If you do not know something, then the police officer cannot force you to make any statement, or put words in your mouth. However, 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). Also, it is always better to make sure that someone else is there with you when you are being questioned.

# 60. Does the police officer have a duty to help me when I'm in distress?

Yes. Police have a duty to give assistance to all.

#### 61. Can I ask a police officer to help me out with family disputes?

Yes. If what is happening is likely to result into physical, sexual, economical and emotional/psychological violence of course the police must help you and cannot turn you away and say it is a private affair or is likely to result into a crime.



# 62. In the absence of a police officer can the public arrest a suspected wrong doer?

Anyone can arrest a wrong doer and hand that person over to police. However, you cannot beat up the wrong—doer or otherwise harm them. Members of the public only have a right to act to protect themselves, which is called the right to self—defence, but that too has to be reasonably used. It cannot turn into a one—sided beating or horrible humiliation and a police officer who allows this to happen is likely to face disciplinary or criminal charges.

### 63. Can the public punish a suspected wrong doer?

No not even the police can punish a suspect. This is the duty of courts of law. The public has no right whatsoever to administer mob justice.

# 64. Should the police stop me from being part of a procession or public meeting?

No. No one should stop you from taking part in a peaceful procession. Article 29 of the Constitution gives every Ugandan the right to assemble and to demonstrate peacefully. Ideally, though, for a procession you should notify the police prior to the procession. Under the Police Act, officers can break up processions or meetings that are unlawful. The Act also makes it illegal to organize an assembly **likely** to cause a breach of the peace. Even though there are limits on things like protests, the police are not allowed to stop peaceful meetings just because they might involve, for example, members of the opposing political party or just because someone in charge told them to.

On one hand, the police have a duty to make sure that public spaces remain peaceful. They also have a duty to facilitate citizens in exercising their fundamental right to hold peaceful public meetings.

# 65. Can the police use force in stopping a street/public meeting or procession?

Yes. If reasonable time has passed since a senior police officer ordered a meeting to break up, and the members don't close the meeting, the officer "may take all necessary steps for dispersing the persons...or for apprehending them."

If someone resists the officer, then, the officer can use force but **only** an amount of force that is reasonably necessary to overcome

any resistance. The police are not there to punish people, so all their actions must be reasonable and force must be used as a last resort to control a crowd.



## 66. When should police use firearms?

Firearms are to be used only in extreme circumstances; only in self–defence or defence of others against imminent threat of death or serious injury.

Police officers in Uganda can also use firearms against people escaping custody or who are preventing an arrest. However they can only do so if strictly necessary and reasonable in the circumstances. Generally use of such extreme measures would only be necessary if the person is posing a grave threat to life or serious injury to another person.

Intentionally the use of lethal force and firearms shall be permitted only when strictly unavoidable in order to protect human life.

# 67. What should the police do if the crowd is unruly and throwing stones or 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.

First, warnings must be given to the crowd to disperse and time must be given for the crowd to obey. If the crowds remain after a suitable amount of time, then the police are able to use force to disperse them. This force must be reasonable under the circumstances. Then only certain kinds of non–lethal force or weapons should be used, such as batons or tear gas. Police should always use the least harmful option first and only move on if that is ineffective.

If the police do resort to firing their weapons, they should only do it in self defence or in the defence of another person or destruction of property. Even when they shoot, they should aim to disable and not to kill. The overriding principle of managing crowds is that of negotiation through dialogue with the demonstrators, not through using force.

# 68. What are my rights during arrest?

- Anyone arrested shall be informed, at the time of arrest; the reasons for his or her arrest and any charges against him/her.
- He or she shall be informed of his/her right to have access to a lawyer or any other legal representative and be given adequate opportunity to communicate with that representative
- He/she shall be given an opportunity to notify his/her family at the time of his or her arrest about the arrest and place of detention.
- Where necessary, an interpreter shall be provided during interrogation

 Anyone who is arrested shall be brought promptly before court within 48 hours.



# 69. 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 you of the place they are taking you which must be gazetted place for detention and inform your people of your whereabouts. As soon as the police take you into custody, your physical well—being and the protection of your rights becomes their responsibility. If you come to any harm or your rights are not respected or violated in any way the police are responsible. Next, is the fact that the police are duty—bound to make a record of all those who come to the station in their station's diary will indicate what time you were brought in for questioning and when the arrest was made. This will also be 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.

Finally, the fact that you are entitled to a lawyer during your interrogation means, at a minimum, that the place of custody must be known and accessible to friends and relatives.

### 70. Can the police officer hold me at the police station or can I leave when I want to?

If you have been formally arrested, for legal reasons you can be held in custody for up to 48 hours. You must be brought before a court within 48 hours. If the police have summoned you for questioning you have a duty to cooperate with them and help them with their inquiries. But the questioning has to be prompt and efficient and cannot go on and on. The police should not make you wait endlessly at the station.

#### 71. Suppose the police officer does not let me go, what can I do?

Ask any police officer at the counter at the police station why you are being held at the police station without any action or ask to talk to the officer in charge.

More importantly, your lawyer, family member or friend can go to the High Court immediately and file a habeas corpus application seeking your immediate release.

### 72. What does habeas corpus mean?

This is a very old and very practical remedy to stop wrongful detention of people. It literally means "produce the body." The courts – either the High Court or the Supreme Court, deal with it on an urgent basis. 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 produce the person before it immediately and release him or her if the detention cannot be justified. If the detention has been illegal then the Court can even grant compensation to the victim.

# 73. Is there any other way of finding out about a person who has been arrested and I do not know where he/she is kept?

Report the matter to the Uganda Human Rights Commission for redress or any other human rights organization. They may help you to find the detainee. You can also report the matter to the superior officer.

#### 74. Should a police officer arrest me without giving reason?

No. A police officer should tell the person the reason for arrest. Police can only make arrests if there are grounds for the arrest. So For example, a person can be arrested where: they are caught red—handed in the middle of some wrong—doing; or if many circumstances in the investigations point the finger of suspicion towards them; or a person is found to be helping someone else commit a crime before, during or after its occurrence. There has to be a good reason for making an arrest. Just because someone has named someone else in a complaint cannot be a reason for arrest. There has to be something more, in the form of evidence, to arrest a person.

# 75. 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 their own individual actions and not because they are close to or related to someone else who is a suspect. No one's freedom can be taken away except for a specific lawful reason.

The police cannot threaten family members or friends or take them into custody as bargaining tools. This kind of hostage—taking would amount to serious crimes of illegal detention or kidnapping, at a minimum.

No matter how difficult the case is, that the police are trying to solve, they cannot resort to illegal practices in order to put pressure on the suspect to give him or herself up or make a confession. The only family people who can be arrested are those against whom there is a reasonable ground for believing they have committed a crime.

# 76. Can a police officer come into my home unasked and search my home and take things away?

Only in certain, very limited circumstances. Normally, they can only enter if you invite them. Even if the police suspects that you are hiding a suspect or have stolen property or an illegal weapon in your home, they can only enter your house with or without a search warrant from a magistrate. However, if the suspect or object needs to be obtained without delay and there is fear it would be lost without immediate action, and they can enter your house without a warrant.



#### 77. What is a search warrant?

A search warrant is a court order authorising a police officer to enter and search premises or a building.

People's homes and offices are private places and cannot be open to searches and entry from any authority without substantive or good reason. So the law requires anyone wanting to enter to explain why they find it necessary to disturb that right. The police therefore have to go before a magistrate and explain the reasons for their believing there are goods, papers or people that are hidden in the premises which will help them solve a crime. Before the officer can actually enter, they must show you the written warrant. And even then, they are supposed to be careful not to damage anything unnecessarily.

# 78. Are there special rules for search and treatment of women in custody?

Yes. For example, a female can only be searched by an authorized woman. Further, if women are held in detention at a police station, they should be kept separate from men.

#### 79. Are there special rules for children?

Yes. Under the law, children under twelve years are not criminally responsible for any offense. They cannot be taken into police custody but 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 decide to simply 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 present at the station for any questioning that occurs.
- Children are to be released 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.
- If the parents are not available, and there is a danger to the child, or some other serious issue that prevents bail being granted, then the child is to be sent to a remand home in the

area or some other safe place of detention until they are next 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.
- The general principle of the provisions is that the police and the Court should apply the least restrictive practices possible for children, and that all alternatives to detention in a remand home are considered first.

#### 80. How long should I be kept in police custody?

Under the Constitution of the Republic of Uganda, the longest time anyone can be kept in custody in a police station for 48 hours. Before 48 hours is up, you must be brought before a court. In addition, according to the Police Act, the arrested person must be able to apply to a Magistrate for release within 48 hours also. If they are not formally charged, the Magistrate must order their release.

Many officers try to get around these requirements by illegally detaining suspects on "holding charges." That is, what the officers may say, for example, that they are investigating a crime and need to detain the suspect throughout the investigation. Such a practice is illegal,

however — there is never an excuse for police to hold someone in custody for more than 48 hours without producing the suspect before the courts of law.



# 81. Why is it that people arrested on Friday are kept in police custody until Monday?

For a suspect in custody whose 48 hour time limit is ending on a weekend may spend in police custody the weekend because courts do not work on weekends and public holidays, for a suspect to be formerly charged.

#### 82. How will anyone know where I am?

The law has safeguards against anyone getting lost in the system. As soon as the police have arrested you they must do several things. They must let you inform your lawyer – your own or from the state or government of Uganda especially if the charge is a capital offence. They must inform a family member or friend of your choice about where you are. All these things are put in place by the law to reduce the chances of abuse of power by the police. If the police do not follow these rules, they will have to answer to the courts.

### 83. What are my rights while in police custody?

A police officer should not beat you, slap you, threaten or intimidate you in custody. 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, in human or degrading treatment. Under s.25 of the Police Act a complaint can be lodged to the magistrate and the officer shall be charged for the acts of torture committed. Under the Prevention and Prohibition of Torture Act; torture is a crime and an officer who performs any act of torture can be imprisoned for up to fifteen years or a fine of 7.2 Million Shillings or both.

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

No. The police officer has a right to question you but he/she cannot force you to say anything you have no information about, anything you do not want to say, or confess to some crime that you have not committed. A police officer also 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.

### 85. Do the suspects' rights hinder police work?

Suspects' rights do not hinder police work. The police have obligations under the law to do their work professionally and respect human rights in the course of their work. The police are only to apprehend or arrest suspects and accused people. But they cannot behave as if the person is already guilty and they have the right to punish them. That is a job for the courts. 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.

### 86. But there are too many rights for the accused person? What about the victims?

A lot of people think that no one is looking after the victims. But Actually the State is behind the victim. It is on behalf of victims that the State goes about looking for the suspected criminal. It is on behalf of the victims that the State appoints a prosecutor to argue before the court. It is on behalf of the victim that the State punishes the guilty. But the accused stands alone. He or she may not be guilty at all. So to balance the power of the State against one individual who has to defend himself, or herself the law has created safeguards and given facilities such free legal aid through the government lawyers when they are charged with grave offences such as murder, treason, rape, defilement among others.

### 87. What is a police bond?

A police bond is taken at the police station to secure the release of a suspect pending investigations. A police bond is free of charge. According to s.38 the Police Act no fee shall be paid to any police officer on the police bond in a criminal case. The amount indicated on the bond form is to be paid into court upon default and not to the police officer. Condition 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.

#### 88. What is bail?

Bail is a form of security, such as the payment of sum of money or a guarantee from a respectable person, which is made in exchange for the release of an arrested person through an application made to court. This may be a cash or non cash bail. The security acts as a guarantee of the arrested person's appearance before court.

#### 89. Am I entitled to a Police bond?

A person may request for police bond. However, sometimes you may be denied police bond upon request where the police reasonably believes that it is for your own security or safety of others or incase of capital offences where they believe that you are most likely to interfere with investigation or any other reasonable cause. It is at the discretion of police to grant or not to grant you bond.

#### 90. What do I do when police denies me bond?

You may apply to court for immediate release after 48 hours from the time of detention.

### 91. Does it mean that I am free if police grants me bond?

No. You will still have to follow the conditions given within the police bond, for instance if you are supposed to report to police then you must report failure of which you will be rearrested. Court will decide whether you are guilty or innocent.

#### D: COMPLAINTS AGAINST A POLICE OFFICER

#### 92. Are police officers above the law?

No, one is above the law. The police have to obey the law and must live according to the laws that are laid down in our country under our Constitution. Every action by the police has to be according to the law and, if not, the police will be accountable before the law.

A police officer is expected to be polite, transparent, law abiding, a good listener, and respectful

### 93. Can the police do anything they want?

No. They can only do what is lawful. In fact, they are very strictly governed by many rules. These are laid out in the Constitution of Uganda, the Police Act, and the Uganda Police Standing Orders, the procedures laid down by the Criminal Procedure Code Act and other legislation, the orders given by the Courts.

### 94. Supposing a police officer does not obey the law?

You can complain to his/her senior or to the Inspector General, depending on how serious the matter is. If the matter involves a breach of someone's human rights, then you can also complain to the Uganda Human Rights Commission or other human rights organizations in your area. It is always better to complain in writing and get a receipt

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

Yes. A police officer, just like anyone else, can be punished if he or 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.

#### 96. What can I do if the police officer does not help me?

A police officer should not neglect his or her duty, or delay doing it. If he or she does, then you can complain against that police officer.



### 97. Where and how can I lodge a complaint against a police officer?

Any person aggrieved by an act of a police officer can lodge a complaint against that police officer with the Professional Standards Unit. The Professional Standards Unit has been established at regional levels.

One may also lodge a complaint to a more senior police officer than the one you are complaining about for instance, the District Police Commander, then the Regional Police Commander and so on. Cases may be referred to the Police Disciplinary Courts. You can lodge a complaint to any of the above bodies through email, telephone; walk in to any of the bodies or through a formal letter.



#### 98. What happens after my complaint is lodged?

An investigation is carried out and if investigation and the complaint is found genuine, one should expect any of the following; dismissal, demotion, suspension, apology and warning

After investigation if there is a criminal element the officer is formally charged in courts of law.

However, if the investigations do not show that the officer was at fault, the complainant should be informed according.

# 99. If I file a complaint about a police officer won't the police refuse to take it against their own officer?

Sometimes that happens, but it need not be the end of the matter. You can take a complaint about rude or discourteous behavior, neglect of duty or abuse of police power to the most senior officer at the local police station, and if that doesn't work you can write

to, or call, the Human Rights Complaints Desk and Professional Standards Unit 0800200019, 0800199199, 0800199299 or, if the matter is about a violation of human rights it should be reported to the Uganda Human Rights Commission.

#### 100. 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 several other human rights bodies and commissions that have been set up. To complain about a violation of human rights, you can lodge a complaint with the Uganda Human Rights Commission. For issues related to corruption there is the Inspector General of Government (IGG) and Director of Public Prosecutions. 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.



# 101. What role does the Uganda Human Rights Commission play 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. In addition to receiving complaints, the Commission can decide to investigate a matter at its own initiative. The Commission is authorised to undertake this function under Article 52 of the Constitution of Uganda. Therefore, if a police officer violates your human rights, you can lodge a complaint with the Commission, and the Commission will undertake an investigation.

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

The Commission has a mandate to visit, inspect and assess detention facilities to ensure compliance with accepted human rights standards.

### **APPENDIX**

# Number of Police officers in Uganda by Gender as at 30/9/2013(UPF 2013)

RANK	MALE	FEMALE	TOTAL
IGP	1		1
D/IGP	1		1
AIGP	12	2	14
SCP	12		12
СР	39	3	42
ACP	77	10	87
SSP	103	10	113
SP	357	48	405
ASP	873	224	1097
IP	970	275	1245
AIP	1736	329	2068
SGT	2330	546	2876
CPL	4953	1038	5991
PC	13860	2831	16691
SPC	4088	670	4756
CVNS	263	128	441
PPC	4241	991	5232
SUBTOTAL	33916	7105	
GRAND TOTAL	83%	17%	41,072

#### **About HURINET-U**

Human Rights Network Uganda (HURINET—U) is a national umbrella civil society organization which was established in 1993 by a group of eight human rights organizations and formally registered as an independent, non—partisan and not for profit organization in 1994. The identity of HURINET—U lies with its diverse membership of **51 NGOs** drawn from organizations that are committed to a wide range of human rights issues which are complementary in terms of areas of focus including; civil and political rights, economic social and political rights, child rights, gender and women's issues, peace building and transitional justice. Members range from purely Ugandan NGOs to international organizations.

HURINET—U is a member of regional and international campaigns. It hosts a number of national civil society campaigns and coalitions including; Coalition on freedom of information (COFI); Uganda coalition on the international criminal court (UCICC); coalition on Economic Social and Cultural Rights (ESCR); Coalition on Police Accountability and Reform among others (CPASSR).

The institutional vision is to work towards "A society free from human rights abuse" with a mission of fostering the promotion, protection and respect of human rights in Uganda through linking and strengthening the capacity of member organizations at national, regional and international levels.

HURINET–U's work is guided by the following objectives:

- 1. To promote and protect human rights as provided for in the regional and international instruments that Uganda is party to and as provided in the constitution of Uganda;
- 2. To encourage close collaboration and networking among human rights organizations in Uganda;
- 3. To encourage optimum sharing of information and resources both human and material among human rights organizations in Uganda;
- 4. To continually assess a collective impact in the Ugandan society occasioned by several programs of human rights organizations in Uganda among others.

# The national Coalition on Police Accountability and Security Sector Reform working Group members;

- 1. Human Rights Network Uganda (HURINET-U)
- 2. Foundation for Human Rights Initiative (FHRI)
- 3. Federation of Uganda women Lawyers (FIDA)
- 4. African Centre for the Treatment and Rehabilitation of Torture Victims (ACTV)
- 5. Uganda Prisoner's Aid Fundation (UPAF)
- 6. Human Rights Concern (HURICO)
- 7. Advocate Coalition for Development and Environment (ACODE)



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