

# FOUNDATION FOR HUMAN RIGHTS INITIATIVE (FHRI)

(Bushenyi Legal Aid Project)



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# BEHIND THE SCENES

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# MESSAGE FROM THE EXECUTIVE DIRECTOR



The 19 months project titled, **'Enhancing Criminal Justice Reform in Uganda: Promoting Alternative Punishment in Bushenyi District (2022-2023)'**, was launched against the backdrop of an existential problem of pre-trial detention, overcrowding in prison and lack of respect for the integrity of the offender in Greater Bushenyi.

With financial support from the Legatum Foundation, the Foundation for Human Rights Initiative (FHRI), implemented a set of approaches to achieve the project objective; legal aid services to poor and vulnerable incarcerated persons in Bushenyi district, routine monitoring of rights of incarcerated persons, advocacy for legal, policy and practice change in the criminal justice system, and alliance building and networking.

Run by three Legal Officers and five Paralegals, FHRI opened a Legal aid office in Bushenyi district in October 2022. During this initial period, FHRI has extended assistance to 891 incarcerated persons to speedy access to justice through; screening and follow up of cases at the different justice institutions, conducting mediation at police stations and in the communities during legal aid camps, assisting pre-trial detainees to secure ordinary and mandatory bail in court and trace sureties for police bond while advocating for the use of other non-custodial sentences like community service.

The FHRI Legal aid team in Bushenyi addressed court users before court, identifying those who had overstayed both at police and in prison, bringing the lists of overdue cases to the attention of judicial officers, assisted in drafting basic documents, counselling and basic legal advice and assisted juveniles navigate the justice system. FHRI further lobbied for and supported a High Court session in Mbarara and several plea bargain sessions which contributed to the reduction in pre-trial detention and case backlog in Greater Bushenyi. Social work students were also an additional resource to the office who supported the legal team with research, routine monitoring of police and prisons, information management, case monitoring, follow up and managing the Toll-free facility.

Through advocacy, the project has also registered impressive results. Within the framework of district roundtables convened by FHRI, delays in the justice system and non-compliance with performance standards, as some of the causes of overstay on remand of detainees, were discussed amongst key justice actors yielding tangible solutions. For instance, in stations where there were no State Attorneys, they have been appointed. Through our membership to these forums- the Judiciary Sentencing Guidelines Committee, Annual Judges Conference and the Human Rights Parliamentary Committee, FHRI advocated for the appointment of a Resident Judge for Bushenyi.

Whatever has been achieved over this period is attributed to the support and cooperation of different players including the political leadership, the JLOS actors, peers, project staff and, the people of Greater Bushenyi. Suffice to mention in particular; Legatum Foundation, the LC V Chairperson, the Resident District Commissioners, the Senior Resident Judge and Resident Judge, Mbarara, Chief Magistrate, Bushenyi, Office of the Director of Public Prosecution in Mbarara, other JLOS actors and our peers (Ankole Private Sector Promotion Centre Uganda Limited (APROCEL), Communication for Development Foundation Uganda

Going forward as we deepen our engagement, we count on your support in the next two years of the project.

**"Together We Can Make A Difference"**

Dr. Livingstone Sewanyana

**Executive Director, Foundation for Human Rights Initiative (FHRI) & Current UN Independent Expert on the Promotion of a Democratic and Equitable International Order.**

The true nature of our character is how we treat the poor, the disfavoured, the accused, the incarcerated, and the condemned. We are all implicated when we allow other people to be mistreated.

Bryan Stevenson: Executive Director  
of the Equal Justice Initiative

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# ACRONYMS

<b>ADR</b>	<b>Alternative Dispute Resolution</b>
<b>APROCEL</b>	<b>Ankole Private Sector Promotion Centre</b>
<b>CDFU</b>	<b>Communication for Development Foundation Uganda</b>
<b>CRB</b>	<b>Criminal Registration Book</b>
<b>FHRI</b>	<b>Foundation for Human Rights Initiative</b>
<b>JLOS</b>	<b>Justice Law and Order Sector</b>
<b>ODPP</b>	<b>Office of Director of Public Prosecutions</b>
<b>DPSWO</b>	<b>District Probation and Social Welfare Office</b>
<b>UPF</b>	<b>Uganda Police Force</b>



## INTRODUCTION

This report highlights the state of Criminal Justice in the Greater Bushenyi District (Bushenyi, Sheema, Rubirizi, Buhweju and Mitooma districts). The report follows FHRI's implementation of the program entitled "Criminal Justice Reform in Uganda: Promoting Alternative Punishments in Bushenyi District" for the period October 2022 – December 2023.

The Purpose of the report is to highlight the current status of the criminal justice system in Bushenyi, outline the gaps that might require future reform and advocacy, and the good practices, challenges and recommendations.

## METHODOLOGY

The information in this report was obtained through a hybrid approach that includes quantitative and qualitative data collection techniques. Quantitative data was sourced from official records, including Courts, Office of the Director of Public Prosecutions (ODPP), prisons, police, the District Probation Social Welfare Office (DPSWO) and District Planner reports. Qualitative insights were collected using structured interview guides and observation checklists by the different sector heads. A total of 24 interviews were conducted (7 women, 17 men).

The reporting period is October 2022 to October 2023, except in various instances where data could not be obtained for various reasons outlined in the report.



## CONTEXTUAL ANALYSIS

Bushenyi district was created in 1974 out of Mbarara District and was split into five districts, namely; Bushenyi, Mitooma, Sheema, Buhweju and Rubirizi which comprise the Greater Bushenyi district. The total population of Greater Bushenyi is estimated at 957,124 .

The primary economic activities in Greater Bushenyi are agriculture, tourism, and trade. The local population relies heavily on tea, coffee, and banana cultivation, along with livestock rearing and dairy farming.

**Table 1: Greater Bushenyi District Population**

District	Population	Economic Status
Bushenyi	254,200	Agriculture (Coffee, tea & Banana/Matooke) Ranching for beef and dairy farming for milk production.
Rubirizi	150,062	Agriculture (coffee, sugarcane, plus food crops). Fishing since most of the land is covered by lakes. Tourism of both international and national tourists.
Sheema	207,343	Agriculture, tourism & trade (coffee, banana, tea, ginger and livestock rearing, dairy farming/poultry farming.
Buhweju	160,000	Agriculture (Coffee, bananas, tea) and gold mining.
Mitooma	185,519	Agriculture (95%) comprising of tea, banana, coffee and sugarcane. And this is mainly subsistence farming (small scale).
<b>Total</b>	<b>957,124</b>	

Due to the nature of their economic activities, some crimes such as theft of cattle, coffee and bananas are viewed as serious offences that have sometimes resulted in capital crimes such as murder. For example, *in December 2022, two women pleaded guilty and were each sentenced to 16 years imprisonment on murder charges for having killed their uncle who had stolen one bunch of matooke. The deceased was tied to a banana plantation and beaten to death.*





Greater Bushenyi has (5) Courts of Judicature, (4) Prisons and (5) Offices of the DPP and a fairly structured police system.

As of July 2023, Greater Bushenyi had a total of six State Attorneys. Each district, except Bushenyi, is allocated one State Attorney. These Attorneys are responsible for reviewing files, granting sanctions, and prosecuting cases in court. Due to their limited numbers, some State Attorneys have to appear before multiple Magistrates. For example, when a State Attorney takes leave, the office remains closed, adversely affecting prosecution. Sheema District was particularly impacted by this, as it did not receive an additional State Attorney despite the Judiciary recruitment in October 2023.

For a very long time, Greater Bushenyi has been having one Chief Magistrate, sitting at Bushenyi District and overseeing the other four Districts until July 2013 when a 2nd Chief Magistrate was assigned to Mitooma District. At the time of reporting, Greater Bushenyi has a total of 8 Magistrates that is; Bushenyi (1) Chief Magistrate also care taking Buhweju, Rubirizi, and Sheema Court plus (2) Magistrate Grade One, Mitooma (1) Chief Magistrate and (1) Magistrate Grade 1, Sheema (1) Principal Magistrate Grade 1, Rubirizi (1) Magistrate Grade 1, and Buhweju (1) Magistrate Grade 1 making a total of 8 judicial officers..

As noted above, the judiciary in the Greater Bushenyi is under-staffed hence hindering expeditious handling of cases. A total of 7,597 cases (both old and new) are reported to have been ready for hearing during the reporting period but only 1,790 were concluded, and 5,767 are still pending.

The major reason given mostly in criminal cases was that the ODPP is understaffed and delays in investigations are the major cause for delays in hearing and conclusion of the criminal cases.

Rubirizi District has no prison and prisoners from Rubirizi are transported to Bushenyi male Prison and Bushenyi female Prison. For a very long time Rubirizi district has offered land on which a prison can be constructed but no progress has been made to construct one. The LCV5 chairperson Rubirizi district, Mr Agubanshongorera Sylvester during the (FHRI) round table meeting held at Rubirizi RDCs Boardroom on 14th July, 2023 said "If a Prison is not constructed as soon as possible, we shall reclaim our land and put it to other use."



**The LC5 Chairperson of Rubirizi district Mr. Agubanshongorera Sylvester (standing) during the round table meeting held on 14th July 2023 in Rubirizi district.**

Because of the long distance from Bushenyi prison to Rubirizi court and because the prison has no resources to transport prisoners every day, the number of times prisoners are produced in court is limited which slows down court processing of criminal cases.

Mitooma has a mini prison without a female section hence some of the prisoners from Mitooma and female prisoners are also held at Bushenyi main prison.

In general, access to criminal justice in Greater Bushenyi is restricted due to limited resources in terms of manpower, accessibility, and finances.



# **INSIDE THE UGANDA POLICE FORCE (UPF)**



## INSIDE THE UGANDA POLICE FORCE (UPF)



### INTRODUCTION

The Uganda Police is a JLOS institution tasked with maintaining law and order but with very limited resources. Police in Greater Bushenyi raised an issue of lack resources to carry out investigations.

In the Greater Bushenyi area, the common crimes reported to police include; threatening violence, cattle theft, defilement, theft, aggravated defilement, assault and robbery. Some of the causes of crime in Greater Bushenyi include societal issues such as poverty, drug abuse, domestic violence, and family instability.

Police registered a total of 6,295 cases, of which 3553 (56.4%) were sanctioned as per Table 2 and Table 3 below . The cases that were not sanctioned were either closed for lack of merit or were resolved through ADR by the police. The information received from the police in Greater Bushenyi is an indicator that cases such as civil and non-founded cases that ought not to be reported to the police but could be resolved through Alternative Dispute Resolution (ADR) continue to clog the system.

During the capacity-building sessions and advocacy meetings held by FHRI with police officers in the district, police expressed the need for Local Council (LCs) leaders to be sensitized on their legal mandate.



Third from left is the OC-CID-Sheema Central Police Station D/ASP Nakato Esther, FHRI Senior legal officer Ms. Correth Ayebale, FHRI Paralegal officer Ms. Ainebye, Roselyn, and other officers of Sheema police station after the Capacity building session held on 3<sup>rd</sup> March 2023 at Sheema police station, Sheema District.



## INSIDE THE UGANDA POLICE FORCE (UPF)



**Table 2: Cases registered at Police Between October 2022 and July 2023**

District	Petty cases	Capital	Family	Juvenile	Total
Bushenyi	1687	570	341	68	2666
Rubirizi	659	36	121	6	822
Sheema	841	66	72	15	994
Buhweju	495	28	32	5	560
Mitooma	1002	83	155	13	1253
<b>GrandTotal</b>	<b>4684</b>	<b>783</b>	<b>721</b>	<b>107</b>	<b>6295</b>

The data refer to the main police Stations at the District level

**Table 3: Police Intervention on registered cases.**

District	Released on bond	Set free / Released	ADR	Non-founded	Sanctioned
Bushenyi	900	788	381	9	1488
Rubirizi	350	368	10	0	444
Sheema	699	206	0	0	788
Buhweju	356	16	250	0	294
Mitooma		411	49	254	539
<b>GrandTotal</b>	<b>2305</b>	<b>1789</b>	<b>690</b>	<b>263</b>	<b>3553</b>



## ACCESS TO JUSTICE ISSUES AT POLICE



### a) Management of Juvenile offenders

There is no remand home in Greater Bushenyi. The nearest remand homes are in Kabale and Fort portal. When juveniles are remanded or convicted, they are sent back to the police stations, where they wait pending the availability of transport to the available remand homes. Some juveniles end up spending months and completing their sentences at police stations.

To avoid keeping juveniles at police, the age of juvenile offenders is sometimes elevated and these juveniles end up being charged as adults, thus ending up in adult facilities. *A case in point is a case handled by FHRI regarding one juvenile, Kedi Paul (Not real name). Kedi was charged as an adult on charges of aggravated defilement. He was remanded to an adult prison, where he stayed for more than one year. FHRI intervened and had his case cause listed for the High Court session. He enrolled for a plea bargain and was sentenced to the period spent on remand and set free on 4th October 2023.*



Right is Legal Officer Advocate Tamale Joash with the Juveniles who had been on remand at Namushekyera, Bushenyi Male adult Prison for one year and 6 months after being set free at Mbarara High Court.



## ACCESS TO JUSTICE ISSUES AT POLICE



### b) Absence of State Attorneys from the office and understaffing

Due to the absence of State Attorneys from the office, files take a long time to be perused and sanctioned by the ODPP which results in suspects who do not qualify for police bond remaining in the police cells for more than the expected 48 hours. **One case in point was at Sheema Police Station where a suspect stayed in police custody for close to three weeks, thus breaching the 48-hour rule.** The DPC Bushenyi Police Station noted that police endeavor to observe the 48-hour rule, though at times police is faced with delays in file perusal and sanctioning by the ODPP.

### c) No proper building structures for police stations

Insufficient or inadequate building structures for police stations have impacted the work environment and safety of law enforcement personnel. The lack of proper facilities has hindered the ability of police to carry out their duties effectively, and this has even compromised evidence storage and the security of detainees..

### d) No Accommodation for staff

The lack of accommodation options (this cuts across all JLOS institutions), whereby there are no nearby housing options for qualified personnel affects staff retention.

### e) Inadequate staffing

Police Officers are understaffed and most of them are often transferred with no immediate replacement.

### f) Welfare of the police

The welfare of police, especially the low ranking officers is wanting.

### g) Repetitive offenders

Ex-convicts are always re-arrested with different names. There are high levels of re-offending among the communities in Bushenyi. There are very many habitual offenders who delay and challenge the criminal justice system in Bushenyi. They are used to prison and police cells thus they continue committing crimes. These habitual offenders are commonly influenced by their association with drugs, peer influence, and the high school drop-out rates.

### h) Bias on police bond by the community

The communities in Bushenyi have not appreciated the fact that bond is a right. Police is hesitant to grant bond in some cases for fear of the community members killing the suspects (mob justice). For instance, suspects charged with capital offenses are often denied police bond /not released for fear of being lynched due to mob justice in the villages where they come from.



## ACCESS TO JUSTICE ISSUES AT POLICE



### **i) Non-follow up of cases by complainants**

Some complainants don't follow up their cases at the police stations, neither are they willing to record statements yet they don't want their suspects to be released.

### **j) Civil cases reported at police**

Many cases of a civil nature are reported to the police instead of the court. Police recommended sensitization of the masses on the different mechanisms of handling cases and the difference between civil and criminal cases.

### **k) Hard-to-reach areas and poor terrain**

This makes investigations very difficult and sometimes impossible, especially in Buhweju. Being a hard-to-reach area and poor terrain explains why there are fewer cases registered in Buhweju. The OC Station Buhweju, noted that there are so many murder cases in Buhweju without sufficient incriminating evidence. Victims no longer report cases to the authorities. They instead take the law into their own hands (mob justice)

### **l) Lack of resources to conduct investigations**

Police lack adequate resources to conduct thorough investigations in the field and due to this there is inadequate evidence on police files to warrant sanctioning of the charges against suspects.

### **m) Political interference in some cases**

Political interference by district officials, is reported to hinder police officials from performing their work. Politicians tend to demand and direct police on how they should manage particular cases involving people known to them.





## GOOD PRACTICES IN ACCESSING JUSTICE AT THE POLICE



### a) Upholding the legal rights of individuals accused of a crime

Police ensured that suspects reserved the right to remain silent, the right to legal counsel, the right to a fair trial, and protection against self-incrimination. Police was receptive throughout the period by allowing FHRI advocates to reach out to suspects for provision of legal assistance.

### b) Grant of bond to suspects

Police have embraced the granting of police bond. From Table 3 above, with the exception of Mitooma, 2,305 (45.7) of the registered suspects were granted police bond during the reporting period.

### c) Advising Reconciliation/ADR between Suspects and Complainants

In some cases, particularly in matters of minor disputes or non-violent offenses and civil cases, police encouraged reconciliation between the suspect and the complainant; 690 (10.96%) of the registered cases at police were resolved through ADR. Bushenyi District registered the biggest number of cases concluded through ADR.

### d) Community policing

Police regularly conducts community policing for the purposes of helping civilians know what to do in case they are in conflict with the law or have an issue.



Uganda

# **INSIDE THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS (ODPP)**



## INTRODUCTION

The office of the Director of Public Prosecutions is an independent institution mandated to manage and prosecute criminal cases in courts of judicature in order to reduce the rate of crime in the country. The ODPP has continued to be understaffed with only one State Attorney per district except for Bushenyi, which had only two State Attorneys during the reporting period. This in return has resulted in low number of cases being disposed of.

Under Table 4, as of October, 2022 ODPP had a total of 2,405 cases under prosecution carried from the previous period, and 1,320 newly court registered cases in the reporting period, making a total of 3,725 cases. Of the total court cases, ODPP managed to conclude only 35.2% between October 2022 and July 2023 which accounts for an equivalent of 1,312 cases.

It is important to note that with the support of FHRI through plea bargain, ODPP managed to have more cases concluded. With FHRI's support, 429 cases were concluded through plea bargain in the four districts of Greater Bushenyi with the exception of Sheema District.

**Table 3: Police Intervention on registered cases.**

District	New cases Registered	Old court ongoing cases	New Court cases	Concluded Court cases	Closed cases
Bushenyi	431	589	336	501	117
Rubirizi	627	593	415	321	12
Sheema	439	975	172	243	47
Mitooma	660	248	397	247	262
Buhweju					
<b>GrandTotal</b>	<b>2157</b>	<b>2405</b>	<b>1320</b>	<b>1312</b>	<b>438</b>



## ACCESS TO JUSTICE ISSUES AT THE ODPP

**a)** Lack of data entry clerk.

**b)** Inadequate salary.

**c) Security risks:** Staff from ODPP stated that they work on cases against hard-core and habitual criminals which puts them at high risk. Sometimes ODPP staff face physical threats from criminals.

**d)** Absence of a Witnesses protection program in Bushenyi which put witnesses at risk and thus scares most of them from testifying.

**e) Shortage of manpower/understaffing:** There is inadequacy of staff to effectively handle the workload in the criminal justice system in Bushenyi. For example, the office has only two staff who handle a large number of cases thus leading to delays in proceedings and case backlog.

**f) Inadequate/ poor investigation (s) by police:** Due to understaffing at ODPP, there is limited or no time to guide Police on what is needed for the investigations.

**g) Shortage of facilitation:** There are limited resources available to support legal proceedings, and these include funding, office space, and workshops.

**h) Shortage of ICT Materials:** Insufficient technology and materials for efficient case management hinder the digitization of legal processes and documentation. Inefficient record-keeping systems or outdated technology slows down case management and communication among legal professionals. For-example at Rubirizi ODPP, the State Attorney noted that the Office has only one computer and monitor.

**i) Shortage of Blue and Red Volumes and Amendments:** ODPP is like any Law chambers and must be well equipped with the required laws which at all times should be up to date. The lack of the required laws leads to limited access to essential legal references like law books (often referred to as Blue and Red Volumes) and legal amendments. The office struggles to access up-to-date legal texts, making it challenging to interpret and apply the law correctly.

**j) Political Interference:** Staff from ODPP Rubirizi district stated that external political pressures affect the independence and impartiality of the justice system. Politicians or government officials exert influence on ODPP, potentially compromising the fairness of trials.

**k) General awareness:** The low level of public understanding of legal processes and rights hinders access to justice as victims are not aware of their rights when interacting with law enforcement personnel or during legal proceedings, resulting in unfair outcomes.



**l) Dealing with poor populations:** Most of the people in Rubirizi are poor; thus, some witnesses cannot transport themselves to court as they often appear in court twice and never return.

**m) Public perception and pressure:** The influence of public opinion on legal decisions creates challenges in maintaining impartiality and fairness.

**n) Witness intimidation and protection:** It's difficult to protect witnesses, especially in sensitive cases where intimidation is a concern. Witnesses in cases involving organized crime or powerful individuals fear retaliation, thus making it challenging to secure their cooperation and testimony.

**o) Limited court days:** There is a schedule that is used at court to handle both criminal and civil cases concurrently to avoid case backlog, i.e each magistrate has two days to hear criminal cases which isn't enough compared to the number of inmates in prison.

**p)** Receiving results of investigations in cases where samples are taken to a government analytical laboratory is another major challenge because they take too long which in turn delays the hearing of cases.

## GOOD PRACTICES IN ACCESSING JUSTICE AT THE ODPP

a) Engaging in thorough individual case reviews to ensure that there is enough evidence to pursue charges and that the case aligns with the principles of natural justice. A fair and thorough review ensures that only valid cases move forward, preventing wrongful convictions and protecting the defendant's rights.

b) Ensuring that plea bargain is embraced. All state attorneys commended FHRI for being at the forefront of plea bargains and for always sensitizing inmates about the process.

c) Summoning Witnesses on the phone to come to court.

d) Referring cases for mediation and encouraging Reconciliation: ODPP sometimes reconciles parties at the stage of perusing the file before taking it to court especially in petty cases.

e) Encouraging accused persons to plead guilty when they are genuinely guilty: It saves time and resources, allowing the criminal justice system to focus more on complex cases.

f) Handling suspects as friends, which in turn takes away the long-term saying that court is like a battlefield. Consequently, parties are now embracing the idea of reconciliation and plea bargain.



# INSIDE THE JUDICIARY





## INTRODUCTION

As already seen from Table 4 above, only 1,312 cases from the 3,725 criminal court cases were concluded during the reporting period. However, upon conducting interviews with Court officials, it was noted that much as the judiciary is expanding in terms of staffing, the ODDP remained understaffed which affects the conclusion rate of the cases at the disposal of court.

## ACCESS TO JUSTICE ISSUES IN THE JUDICIARY

- a) **Very wide magisterial area:** In an interview with the Chief Magistrate of Bushenyi, he noted that the Chief Magistrate supervises Bushenyi Court, Rubirizi Court, Sheema Court and Buhweju Court which all have Magistrate Grade Ones only and if a matter falls within the jurisdiction of the Chief Magistrate, it has to be filed at Bushenyi Court before the Chief Magistrate.
- b) **Interference from political leaders like security agents in court proceedings:** These tend to dictate the course of court proceedings to operate in their favor. In most cases, they are not party to the case but have an interest in the proceedings.
- c) **Disconnect from investigations:** In most cases, the office of the police and / or ODPP lacks funds to carry out investigations which delays the court process and makes prosecutor's work difficult.
- d) Lawyers at court divert clients to themselves that the magistrate refers to FHRI for free legal services in order to increase their caseload.
- e) **Absence of police files:** Police sometimes take the files and do not return them which makes court proceedings difficult. However, with close monitoring, these files are sent back.
- f) Some court users find it hard to access the Court due to the difficult terrain of the area, especially in Buhweju District. The Magistrate Grade 1 Buhweju suggested that another court be established in Malinde Subcounty.
- g) Inadequate equipment, for instance, computers.
- h) Judicial officers reside with ordinary people which might compromise their independence and impartiality.



## GOOD PRACTICES IN ACCESSING JUSTICE IN THE JUDICIARY

- a) Speedy hearing of petty cases: Plea bargaining is a good option where accused persons are willing to enroll.
- b) Advising and teaching court users on the basics of court processes.
- c) Attending District security meetings which are held when different stakeholders meet to discuss security matters in the district.
- d) The Open Court Day is another good practice where litigants, the public, advocates, religious and political leaders and other key stakeholders access court and share their experiences and challenges they face. Also, the public gets the opportunity to be enlightened about the court procedures. The last open court day was held in July 2023.
- e) Teamwork: Staff are encouraged to work together with other stakeholders to ensure that justice is delivered.
- f) The court commended the presence of FHRI which has helped in handling cases particularly cases for vulnerable persons.

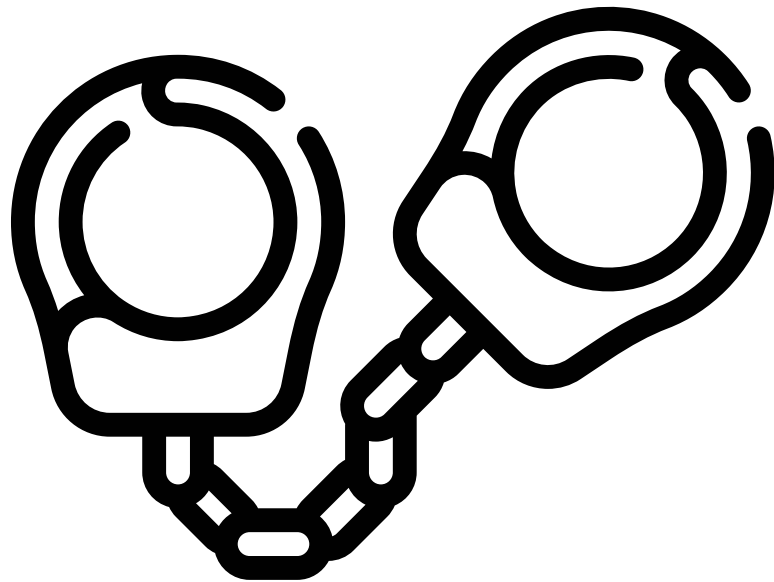


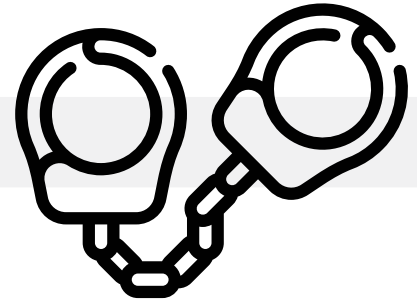
FHRI paralegal officers sensitizing and registering women for the Plea Bargain session on 2nd May 2023





# INSIDE THE PRISON





## INTRODUCTION

The prison population exceeds the capacity of prisons as seen in Table 6 below. There is a big number of inmates on remand with capital cases. In Nyamushekyera Prison, there were prisoners on capital cases who have been on remand for (7) years without trial. The major reason for this has been the absence of a Judge in Bushenyi, but at the time of writing this report, a High Court Circuit has been created for Bushenyi and it is expected that such cases will now be heard hence the decongestion.

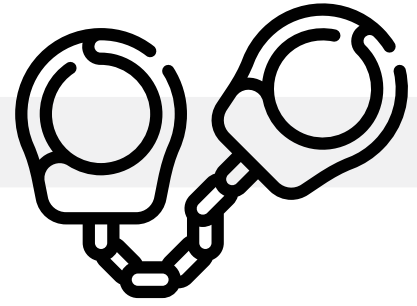
It is worthy to note that unlike other districts forming Greater Bushenyi, there is no prison in Rubirizi district and the inmates from the said district are detained at Nyamushekyera prison in Bushenyi and the remandees only appear on Wednesday for court hearing.

Whereas all prisons are filled beyond capacity, Buhweju has no prison structures. Prisoners are kept in temporary structures with a high risk of prisoner escape.

The total prison population of all prisons in Greater Bushenyi at the time of this report was 2012. The Prisons had an excess of 1,506 of their prison capacity. 75% of the prison population was in excess of the required prison capacity. Therefore prisons in Greater Bushenyi are congested. There is a need for JLOS actors in Bushenyi to embrace alternative punishments to imprisonment such as community service, fines, caution, and reconciliation among others.

**Table 6: Case management at Prisons as of July 2023.**

District	Bushenyi	Sheema	Mitooma	Buhweju	Total
No. Staff	56	39	15	14	
Prison Capacity	320	120	24	42	506
Petty Remand	336	167	60	75	638
Petty Convicts	317	99	29	105	550
Capital Remand	271	36	0	0	307
Capital Convicts	265	0	0	0	265
Debtors	24	7	3	3	37
Lodgers	197	2	0	0	199
Babies	13	2	0	1	16
Total Prison population	1,423	313	92	184	2012
Variance in prison population	(1,103)	(193)	(68)	(142)	(1,506)



## ACCESS TO JUSTICE ISSUES IN PRISONS

- a) Lack of prison facilities in Rubirizi District: In Rubirizi prisoners are remanded to Namushekyera prison. This results in overcrowding in Nyamushekyera prison. This overwhelms court work as suspects are remanded to Nyamushekyera thus denying them access to justice, often staying longer on remand because they are attended to only once a week. The absence of nearby prisons has created logistical challenges for transporting inmates to and fro court hearings, affecting the efficiency of the court process.
- b) Congestion of prisoners most especially when capital offenders overstay on remand without getting committed.
- c) Lack of care facility for babies in prisons
- d) The prison facility is overcrowded and understaffed.
- e) Inadequate staffing in Prison as most prison officers are transferred without immediate replacement while others go for maternity leave without leaving someone to sit in for them.
- f) Community service orders requested by the inmates on petty offences is often denied.
- g) There is still an issue of case backlog as most capital offenders overstay on remand for more than 2 years without getting committed.

## GOOD PRACTICES IN ACCESSING JUSTICE IN THE PRISON

- a) Encouraging prisoners to enroll for plea bargain for their cases which reduces long overstay on remand.
- b) Prisoners are encouraged to get involved in APROCEL projects where they get different skills while in prison such as salon, construction, carpentry, and brick making among others which helps them to sustain and improve on their livelihood when they are out of prison.
- c) Follow-ups on the cases of the inmates especially those who overstay on remand.
- d) Bridging the gap between inmates and legal aid clinics in the region by referring the inmates' complaints to legal aid service providers.
- e) Offering guidance and advice to the inmates regarding their cases.
- f) Keeping proper security of prisoners.



# **JUVENILES IN CONFLICT WITH THE LAW**



## INTRODUCTION

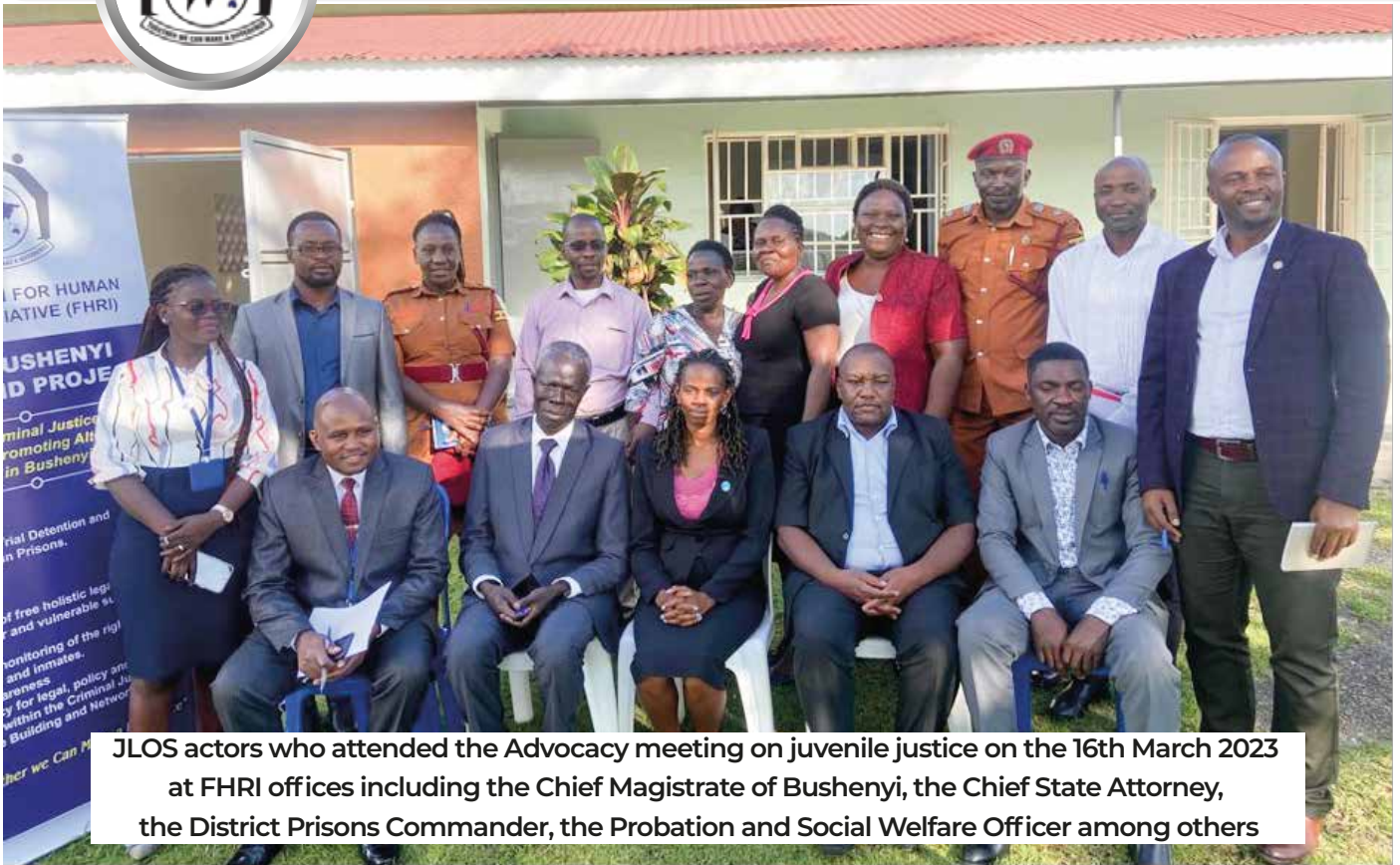
Juveniles are vulnerable and have to be treated with special care. In Greater Bushenyi there is no remand home for juveniles. The district uses remand homes for Kabale and Fortportal.

Due to lack of a remand home in the region, some juveniles have been charged as adults during the reporting period. However, from visual expression and evidence produced with support by FHRI, the juveniles in adult facilities were actually released .



Needless to say, juveniles need to be cared for and protected because there are many cases where the age of the offender is exaggerated to cause juvenile offenders to be remanded with adults in an adult prison.

However, during the advocacy meeting held on 16th March, 2023 by FHRI Bushenyi Legal Aid Project, JLOS actors agreed to embrace diversion and treat juvenile cases as a priority bearing in mind the absence of a juvenile remand home in Greater Bushenyi.



**JLOS actors who attended the Advocacy meeting on juvenile justice on the 16th March 2023 at FHRI offices including the Chief Magistrate of Bushenyi, the Chief State Attorney, the District Prisons Commander, the Probation and Social Welfare Officer among others**

**Table 7: Juvenile cases**

District	Cases registered at police
Bushenyi	68
Rubirizi	6
Sheema	15
Buhweju	5
Mitooma	13
<b>Total</b>	<b>107</b>

## CHALLENGES TO JUVENILE JUSTICE

a) Inadequate salaries for the Probation and social welfare officers.

**b) Facilitation:** This is one of the biggest challenges faced as probation officers lack finances to carry out activities like transportation of juveniles to remand homes, following up juveniles on community service, integrating juveniles into the community especially those who stay in very remote areas. This leads to overstay at the police station.

**c) Lack of a remand home in Bushenyi:** There is only one remand home in the Western region located in Kabale which makes transportation of juveniles from Bushenyi difficult. This remand home also faces challenges like limited food supply for feeding the juveniles detained there.



## **GOOD PRACTICES IN THE ADMINISTRATION OF JUVENILE JUSTICE**

a) Organizational support: Working hand in hand with relevant stakeholders like police, Ankole Private Sector Promotion Centre (APROCEL) Communication for Development Foundation Uganda (CDFU) among others has helped in finding solutions to issues regarding juvenile justice. For example, FHRI supported the office of the probation and social welfare officer to represent juvenile offenders in court and hold community dialogues.

b) Holding radio talk shows: The radio talk shows enabled easy dissemination of information and is used as a platform to sensitize the community about juvenile justice. CDFU has been of great help in offering free radio talk shows to the probation office.

c) Work relationships with other juvenile justice stakeholders: Probation officers have established firm interactions with co-workers like the police, ODPP, Court and RDC. This has helped them to complete tasks together and promote juvenile justice in Bushenyi.



## CONCLUSION

The criminal justice system in Greater Bushenyi needs improvement to guarantee the rights of incarcerated persons and ensure greater access to justice. Whereas there are long-term solutions to criminal justice reform in Greater Bushenyi such as advocacy, increased staffing, and enhanced prison facilities among others, there are also quick remedies which among others would include the promotion of alternative punishment to imprisonment such as community service, fines, caution, diversion of juvenile offenders, and economic empowerment of the youth.

Given the prison population and the demand for criminal justice in Greater Bushenyi, it is recommended that there should more involvement of all stakeholders to address the challenge.

Training of community leaders especially Local Councils on their mandate is necessary to limit the number of cases ending up in the formal justice system.



The F-BLAP project team at the Legal Aid Office, Bushenyi