



Key Figures

292

Number of Police deployed

37

Number of female Police deployed

56

Number of Police Posts in the Refugee Settlements

1531

Number of Refugees that received legal Assistance

44,398

Number of Refugees reached during community Sensitization

30

Number of Packages provided by UNHCR (Fuel, accommodation, WASH facilities, protection house, vehicle, motorbikes and transport)

UNHCR Monthly Protection Update Legal and Physical Protection October 2018

Key Updates

- UNHCR/UNDP in coordination with partners coordinated a policy research by Legal Aid Service Network (LASPNET). The overall objective of the research was to conduct a comprehensive assessment of rule of law and justice needs for refugees and host communities in Arua and Isingiro to enable UNDP and UNHCR strategically design interventions for outreach, efficiency and accessibility in addition to bridging gaps in service delivery.
- In the South West, UNHCR developed a strategic framework to provide access to justice for refugees through recommendations made at the Regional Roundtable with Justice, Law and Order Sectors. The discussion was co-hosted by UNHCR and OPM and aimed to create a strategic approach through four main pillars of Advocacy, Coordination, Capacity Building and Operational Response through partnership with NGOs, INGO's and national agencies.

Physical Safety and Security

- In West Nile 1,395 (563 nationals, 832 refugees) crimes were reported between January and October 2018. Rhino camp refugee settlement recorded the highest number of cases 778 (429 refugees and 349 nationals), followed by Imvepi with 553 (364 refugees and 189 nationals) and Lobule with 64 cases (39 refugees, 25 nationals). In October, 187 crimes were reported. This represents an 8% increase in cases reported in September. The highest number of cases were recorded in Rhino camp (91) followed by Imvepi (90), then Lobule (6).
- From January to October, assault, theft, threatening violence & domestic violence and theft of cattle were recorded as the most prevalent. Although there was a slight decrease in crime rate in Imvepi, there is still need to intensify community policing, support to neighbourhood watch committees is paramount to support the existing law enforcement bodies.
- To enhance law and order, police continued to work with crime preventers and community watch groups in settlements in West Nile. Community participation was key in enhancing security and crime prevention.

- In order to safeguard and maintain the civilian character of asylum in settlements in West Nile, UNHCR supported OPM to identify and screen ex-combatants present among refugee populations. As of October 2018, the number of identified ex-combatants reached 371 (369M, 02 F, 06 children). A system has been put in place to ensure appropriate monitoring of their activities.
- In Mid-West, 4 individuals (3 PoCs, 01 national) were apprehended by Police for suspected human trafficking. The alleged perpetrators pretended to be pastors and promised refugees college education in America. The suspects were transferred to Hoima prison and are awaiting trial.

Capacity Building

- From Jan to October, UNHCR facilitated three trainings for 139 court interpreters, members of alternative dispute resolution and paralegals in West Nile. The training provided skills to conduct effective court interpretation, ensure greater understanding on how to solve disputes using non judicial mechanism
- In October, Partners in West Nile in conjunction with the Judiciary organized a two days training for paralegals from Imvepi and Rhino settlements. Topics facilitated included formal and informal justice systems for handling refugee cases in settlements; legal framework for refugee protection in Uganda; criminal justice system and procedures in Uganda; children's rights, juvenile justice and applicable laws; sexual and gender based violence offences; alternative dispute resolution; law on succession, land and property rights.
- In the South West, legal awareness training targeting 25 (21M/4F) police officers was conducted. Topics included crime scene management, handling of exhibits, preparation of files for sanctioning, filling the Police Form 3 and legal framework for refugees and prevention of Sexual Exploitation and Abuse

Access to Legal Assistance and Legal Remedies

- To strengthen legal assistance and facilitate access to justice for refugees, UNHCR is providing legal assistance to PoC's in Imvepi and Rhino by bringing court services closer to the community through its partners including the Uganda Law Society. Key activities included provision of pro-bono legal services community sensitization; legal mobile outreaches; legal counselling/advice to survivors of

SGBV and others; detention monitoring; training of police and capacity building of community structures.

- During the reporting month, the Refugee Law Project and UNHCR met the High Court Registrar of Masindi to discuss the backlog of cases pending trial for both refugees and nationals in detention. 06 refugees were cause-listed for a criminal session which was held at Masindi High Court.
- With support from the EU Trust Fund, DRC conducted 1 moot court session in Kiryandongo at the reception center where a total of 106 people attended. The Grade 1 Magistrate, Resident State Attorney, Court Clerk and Criminal Investigation Division from Kiryandongo presided over the session.
- In the Mid-West, legal counselling was offered to 149 PoC's; cases attended to range from theft, murder, denial of conjugal rights, domestic violence, defilement and request for registration, while 60 inmates from the different prisons in Rwamwanja received individual legal counselling.
- In South West, LWF, DRC and HIJRA jointly provided transport for witnesses and interpretation services during court session.
- Informal justice systems remain an important avenue for dispute resolution within settlements. During the reporting month, OPM/UNHCR, ARC and IRC has selected 150 (75 F & 75M) community-based paralegal across the five zones to enhance Alternative Dispute Resolution in Bidibidi settlement. Trainings for the paralegals is planned for November.

Detention/Prison monitoring

- Joint prisons and police station monitoring were conducted and inmates provided with legal counselling and their cases followed up. During the reporting period Isingiro, Kakiika and Mbarara prisons were jointly visited by UNHCR, OPM and legal partners to verify PoC's in detention. 58 refugees were reached. They were scanned for finger prints by OPM and received legal counselling.
- From Jan to Oct, UNHCR, OPM and partners conducted 3 joint detention monitoring visits in West Nile. Legal interactions were conducted with the refugee inmates; legal assistance and material gaps were identified. There are 66 (3F 63M) refugees in Arua main prison out of the total 914 inmates. The refugees are from Imvepi, Rhino, Bidibidi and Adjumani settlements. There are 24 (20M, 4F)

refugees out of 230 inmates in Koboko prison. In the months preceding October, UNHCR, OPM and other protection partners provided material support to detention facilities in Arua and Koboko districts.

- In Mid-West Legal partners conducted 1 police visit to Hoima main Police station to follow up on 9 cases involving refugees. In addition, OPM, HIJRA and other protection partners conducted detention monitoring to 5 detention facilities (Hoima Prison, Ihugu Remand home, Masindi Prison, Bugambe Prison and Buseruka Prison). 1,772 (1709 nationals, 63 Refugees) inmates were sensitized on the right to bail and appeal, individual legal counselling, psychosocial support and material support provided i.e. (soap, tooth paste, toothbrushes, sanitary towels, underwear and Vaseline)

Coordination

- UNHCR Sub-Office Mbarara developed a strategic approach to strengthen access to justice for refugees and asylum seekers in South West through:
 - Identification and prioritization of target groups;
 - Mapping of existing local justice actors and activities;
 - Coordinating legal interventions;
 - Training of legal service providers;
- This approach has improved coordination at regional level to promote Access to Justice through advocacy and awareness raising
- In Adjumani, UNHCR participated in the District Coordinating Committee (DCC) on legal affairs. Other participants included Justice Law and Order Sectors in the district - Chief Administration Officer, Magistrate Grade 1, State Attorney and local advocates, Police, Criminal Investigations and Prisons Departments and partners. To improve timely delivery of justice, the Magistrate shared a weekly schedule for hearings and judgements of criminal and civil cases

Mobile Courts

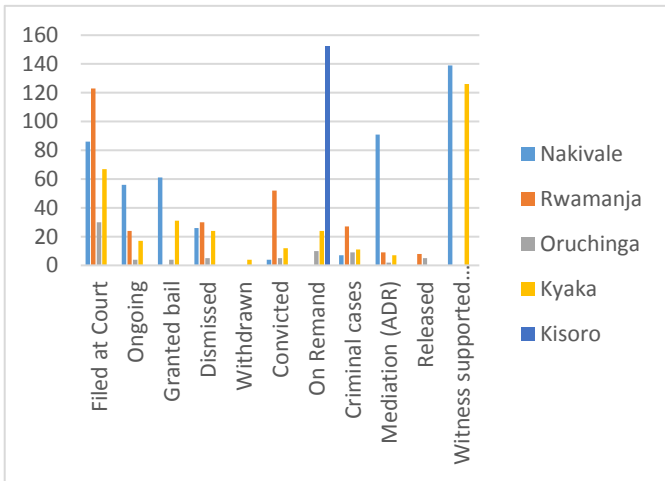
- In Arua, UNHCR in partnership with Justice Law and Order Sector facilitated three mobile court sittings from Jan to October 2018. The mobile court session in October in Imvepi presided by the Chief Magistrate of Arua and attended by 202 (52F, 150M) PoC's. A total of 9 cases were determined as follows:

| Crime/Charge | Decision |
|------------------------|--|
| Arson | Convicted and sentenced to 2 months community services |
| Stealing cattle | Convicted and sentenced to 2 months community services and compensation of shs 240,000 UGX |
| Defilement of an idiot | Further hearing, witness summons already served to the medical doctor |
| Theft | Dismissed for want of prosecution |
| Theft | Dismissed for want of prosecution |
| Simple defilement | Convicted and sentenced to 1 year imprisonment |
| Simple defilement | Criminal summons served to the accused person waiting court day |
| Theft | Adjourned to another day |

- In Yumbe, ARC in partnership with Uganda Law Society, UNHCR and OPM facilitated 1 mobile court session conducted in Zone 5 with 17 cases handled; 9 concluded, 8 convicted and sentenced. 12 suspects were released following sentence in the form of community service under the supervision of Officer in Charge of police stations from the respective zones. 1 Case dismissed for want of prosecution. A total number of 22 Cases were represented by the Uganda Law Society.
- In Kyangwali, the Magistrate Grade 1, the court clerk and the Resident State Attorney were facilitated to conduct mobile court session. A total of four sessions were conducted for both POCs and nationals appeared before her worship.
- One High court session was held in Masindi where 06 cases of Refugees (03 cases of Murder, 03 aggravated defilement) and plea entered. In addition, the Legal Sub-Working group attended a meeting with Masindi High Court Judge and the Assistant Registrar where pending Special Refugee High Court session was approved and a tentative date in November 2018 was suggested subject to readiness of DPP to proceed.
- SO South West facilitated mobile court sessions in High Court and Magistrate Court sessions. The session was presided over by the High court Judge and Magistrate respectively. In total 66 cases were handled. Cases requiring court representation were identified and supported by legal partners. The status of legal presentations by 31st October 2018 is as follows:

Status of Legal Cases: January- 31 October 2018

| Cases Status | Nakival e | Rwamwa nja | Oruchin ga | Kyaka | Kiso ro | Total |
|--------------------------------------|------------|------------|------------|------------|------------|-------------|
| Filed at Court | 86 | 123 | 30 | 67 | 0 | 306 |
| Ongoing | 56 | 24 | 4 | 17 | 0 | 101 |
| Granted bail | 61 | 0 | 4 | 31 | 0 | 96 |
| Dismissed | 26 | 30 | 5 | 24 | 0 | 85 |
| Withdrawn | 0 | 0 | 0 | 4 | 0 | 4 |
| Convicted | 4 | 52 | 5 | 12 | 0 | 73 |
| On Remand | 0 | 0 | 10 | 24 | 152 | 186 |
| Criminal cases | 7 | 27 | 9 | 11 | 0 | 54 |
| Mediation (ADR) | 91 | 9 | 2 | 7 | 0 | 109 |
| Released | 0 | 8 | 5 | 0 | 0 | 13 |
| Witness supported to attend sessions | 139 | 0 | 0 | 126 | 0 | 265 |
| Total | 470 | 273 | 74 | 323 | 152 | 1292 |



Gaps Identified

There are a number of specific obstacles stifling provision of access to justice for PoC’s. The following challenges continues to persist:

- Lack of sufficient fuel for police motor bikes and patrol vehicles.
- In West Nile, Yumbe prison is faced with limited accommodation leading to congestion. The facility also lacks fences and permanent latrines.
- Poor and prolonged investigation of cases due to lack of facilitation in form of transport costs leading to frequent adjournments, poor turn up of witnesses to Police and court to testify and lack of investigative skills in handling cases among others.
- Delay in reporting of cases continues to be a challenge with some leaders concealing and attempting to handle cases including those outside their jurisdiction.
- Lack/limited facilities for holding juvenile offenders at police posts, this often leads to detention of children together with adults. Currently there is on-

going construction of juvenile cells in Adjumani police station with support from UNHCR to enhance management of cases relating to juveniles.

Ignorance of the laws of Uganda coupled with limited knowledge of Court procedures continues to affect administration of justice. In some instances, witnesses back off for fear of retribution, while in others, complainants are more interested in favours in exchange for justice.

Limited knowledge by law enforcement personnel especially on management of cases related to SGBV; hence the need for training on clinical management of rape cases.

Insufficient funds to cover transport facilitation for witnesses leading to frequent adjournments and poor follow up of cases to completion. In addition lack of food for suspects at police posts often result in release of suspects.

- The low numbers of judicial officers to handle cases often cause delay trials especially for capital offences leading to case backlogs.
- Language barrier at the police and court remains a challenge for the witnesses, this is coupled with difficulty in accessing interpreters for court leading to failure to take plea in addition to failure to access sureties on grounds that refugees lack fixed places of aboard.
- Insufficient accommodation for the police continues to affect presence of police in the settlements. The international standard require that 1 police officer is deployed per 500 individual; the current number fall below the required standard.
- The community continue to demonstrate preference for traditional justice systems which are only authorized by law to hear petty cases.
- Late reporting of cases by the community members affect outcome of cases especially where material evidence is missing or tampered with.
- Most cases of gender-based violence are resolved through family members and community leaders rather than through the formal administration of justice system. This is partly due to the fact that the perpetrator is often a close family member.

Partners Implementing Access to Justice Response
Partners: IRC, HIJRA; DRC, ULS, ARC, RLP; InterAid Uganda, CAFOMI, WARCHILD
Operational Partners: UNDP, LASPNET