



UNHCR Monthly Protection Update Legal and Physical Protection June 2019

Key Figures

339

Number of Police
deployed

30

Number of female Police
deployed

28

Number of Police Posts
in Refugee Settlements

1,360

Number of refugees that
received legal Assistance

15,783

Number of Refugees
reached during community
sensitization

120

Detention monitoring visits
conducted *(police stations,
prisons, remand homes)

58

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



Training of refugee paralegals on the legal framework protecting rights of the elderly

Key highlights

- The Centre for Victims of Torture (CVT) successfully organized the commemoration of the International Day of Torture in support of victims of torture in Yumbe. CVT took lead with the support from TPO and Refugee Law Project (RLP). The event took place on June 26th in Yangani Protection Desk in Zone 5 under the theme: “*Life Blooms after Torture*”. Over 10 partners and over 600 persons of concern (PoC) attended the event.
- In the Midwest operation; The Hon. Chief Justice Bart M. Katureebe visited Masindi District on 16th June and attended the High Court Plea Bargain Camp on Monday 17th June. Later in the day the Chief Justice proceeded to Kiryandongo District where he met with Legal partners and refugee representatives. This visit is part of his countrywide monitoring of the ongoing plea bargain sessions that are specifically addressing long pending criminal cases that have been on remand for long periods. In his discussion with refugee leaders, he was requested to advocate for access to justice

through mobile courts at the settlement level. In his response, the Chief Justice encouraged UNHCR and partners to facilitate processes including mobile courts that will enhance timely conclusion of cases.

Physical Safety and Security

- In Yumbe, 77 (44F/33M) cases were registered by the legal team. 42 cases were successfully resolved and 35 were referred to Police for further investigations and prosecution. Highest reported cases were domestic violence (20) followed by assaults (15).
- UNHCR, through its protection partner (HIJRA) in the Midwest operation, continued to conduct routine detention monitoring as part of a wider protection monitoring strategy. As a result, 18 new cases were forwarded for prosecution to Kyangwali Court within the reporting period while cases of lack of legal documentation such as refugee identity cards, ration cards, and attestations were referred to OPM with Police letters for replacement.

Access to Legal Assistance and Community Sensitization

- In Yumbe, 42(F27/M15) refugees were supported to access informal justice through community-based paralegals who addressed civil cases through mediation with support from the IRC legal team.
- UNHCR Hoima provided transport facilitation for three court personnel; the Grade one Magistrate, the State Attorney and the District Community Services Officer from Hoima to attend Court in Kyangwali, where they presided over 69 cases of which 64 were criminal (33 refugees & 31 nationals) and 05 civil in nature.
- UNHCR Kyangwali monitored the Masindi High Court session where 20 cases of refugees were handled. Transport facilitation was provided for 35 witnesses from Kyangwali settlement to testify in alleged cases of rape, defilement and murder. The High Court session was also supported with 02 interpreters for Swahili, Kinyabwisha and Kigegere languages to enable accused persons and witnesses understand Court proceedings.

Mobile Courts

- In Nakivale, HIJRA participated in the mobile court session held in Mbarara Main prison presided over by grade 1 magistrate of Isingiro. The purpose of the session was to commit capital offenders to the high court for hearing in a bid to reduce the period on remand without trial.
- HIJRA, also facilitated 59(34M, 25F) witnesses from Nakivale to Isingiro Magistrates Court of which 13(07M, 06F) were Congolese, 24(18M, 06F) were Burundians, and 16(07M, 09F) were Ethiopians, 03(01M, 02F) Rwandese and 03(01M, 02F) Somalis to testify on individual cases ranging from assault, theft, defilement, injuring an animal, domestic violence and malicious damage to property. As a result, 3 cases were convicted, 2 committed to the high court, 5 cases were reconciled, 6 cases were dismissed for lack of prosecution and 3 persons of concern were granted court bail.
- In Yumbe, one mobile court session was held in Zone 3 in which 22 cases were presided over by the Grade One Magistrate of Yumbe Chief Magistrate's Court with Uganda Law Society providing legal representation, 01 case was dismissed, 07 cases were convicted and sentenced and 14 cases adjourned for further investigations and prosecution.

Detention monitoring

- Southwest protection actors conducted a joint prison monitoring to 08 Prisons; Katojo Prison-Fort portal, Kamwenge Prison, Kiburara Prison, Nyabuhikye Prison, Kicheche Prison, Fort portal Remand Home, Ruimi and Ibuga Prisons in Kasese to assess the welfare and psychosocial well-being of the inmates including the status of their legal cases and general detention conditions. 85 inmates (80M/5F) were provided with legal advice, counselling and supported with NFIs. Among the critical gaps noted were inadequate medical care, delayed hearing due to court case backlogs and congestion.
- In Isingiro, a prison monitoring was conducted in Isingiro at Igayaza by the Grade I Magistrate, a state prosecutor, community service directorate and Refugee Law Project (RLP), they established that there were 282 individuals in detention. 61(59M/2F) were convicts and 221(215M/6F) were onremand. 32 petty offenders have spent more than 3 months on remand without the prosecution presenting any witnesses.
- 06 cases (04 Rwandans and 02 Congolese) of illegal entry were identified in Kanungu Prison currently on remand however UNHCR is following up.
- In Yumbe, 9 detention facilities were visited; Koboko prison, Arua main prison, Giligili Arua Juvenile remand home, Yumbe Prison, Bidibidi Prison, Yumbe Central Police Station and Police Posts of Odravo, Bidibidi and Ariwa by IRC, 65 (12F/53M) refugees were identified, they were provided with counselling, legal advice on rights of accused persons and criminal trial procedure in Uganda. Rehabilitation was undertaken for 5(1F/4M) refugees who were released from prison back to the settlement and 11(4F/M7) refugees were supported to access their relatives while in detention through family visits.
- In Adjumani, detention monitoring was conducted at Olia, Openzizi prisons and the juvenile cells at Central Police Station, out of 778 inmates in both prisons 69 were refugee inmates and there were no juveniles among them.

Community participation and outreach

- In Nakivale, IRC and Nsamizi conducted a legal aid clinic in Mugenyi C village for 68(29M/39F) out of whom 46(25M/21F) Congolese, 17(11M/6F) Burundians, 4(2M/2F) Ugandans and 1 Male Rwandese. The clinic provided information

on the court processes including arrest, trial, sentencing and appeal. Residents were encouraged to individually follow up their cases both at police and in courts of law for their cases to obtain secure conviction or release of the suspects. The participants were further informed that services of partners and police are free of charge. Among the protection concerns raised were tensions between the refugees and host community as a result of competition for scarce firewood resources, HIJRA organized a dialogue to promote peaceful co-existence among them.

- DRC and IRC also facilitated 02 community policing sessions in Kakoni and Buliti in Nakivale, where 269 (160M/109F) PoCs participated. They were provided with information, guided on the role of the community in prevention and reporting of crime including SGBV incidents and with the support of the district police, the team plans to identify community vigilante groups.
- Four sensitization meetings on the Laws of Uganda were organized for 300(161M/139F) individuals; 199(115M/84F) Congolese, 79(37M/42F) Burundians, 16(5M/11F) Rwandese and 6(4M/2F) Ugandans in Kyeibale B, Isanja A, Juru C and Isanja C, the residents were sensitized on different offences, their penalties and issues related to resettlement processing. They were also urged to be vigilant and security conscious by reporting protection concerns to the authorities, following up cases at police, availing witnesses to support their allegations. They were further cautioned against fabrication of evidence and informed of the transport support provided by HIJRA.
- HIJRA, OPM, UNHCR and Police conducted a joint community policing in Juru D and reached out to 56(32M/24F) PoCs comprising of 44(26M/18F) Rwandese, 7(3M/4F) Burundians and 5(3M/2F) Congolese. The issues discussed include assault, criminal trespass, malicious damage, discrimination of Rwandese, criminal responsibility, and transport to court as well as the process of police investigations.
- In Kyaka, 04 legal information sessions were conducted for 525 (322M/203F) PoCs in Byabakora, Buliti and Kakoni, the information covered refugee rights, responsibilities, and legal matters concerning SGBV. These sessions sought to bridge information gaps on refugee rights.
- 27 male suspects in police custody, without known relatives, were supported with hot meals while in detention.

Capacity building

- 10 capacity building and mentorship meetings were held with 150 (F62/M88) community-based paralegals across Zone 1 to 5 in Yumbe to enhance their capacity in alternative dispute resolution mechanisms, reporting and record keeping. They were provided with material support inform of rulers, pens, note books, reflector jackets, soap, gumboots to facilitate their work.



Community Based Paralegals in Yumbe given material support – Reflectors jackets, Counter Books, T-shirts, Gumboots

- The Police in Zones 1 to 5 in Yumbe were supported with reams of paper to facilitate recording of statements and photocopying Police Forms.
- The Police (Community Liaison Officer) of Yumbe district conducted 02 community policing sessions in zone 2 villages, 62 (12F/50M) refugees and host were educated on traffic laws and offences, trafficking in persons, drug substance abuse, key criminal offences and punishments, juvenile justice in Uganda and human rights.
- In Kyangwali, 01 Paralegal training was conducted by DRC in conjunction with Help Age from 17-19th June. The purpose was to disseminate legal information on international, regional and national Laws and to dispense knowledge on the rights of the elderly and the referral pathways.
- In Kyangwali, 2 community policing sessions were conducted; 01 Maratatu D and another in Nguruwe village. A total of 113 refugees were educated on the forms of the most prevalent crimes, age of criminal responsibility, the community's role in identifying and reporting cases, the referral pathway on different crimes and the role of the different partners such as UNHCR, OPM, HIJRA, CARE, MTI, ARC, NRC, RLP etc were explained to the participants.
- During the reporting period, UNHCR under direct implementation provided the police in the Midwest Operation with assorted cleaning materials including liquid soap, washing soap, hand sanitizers and jik. The items provided will mainly

support Kyangwali Police Station and Maratatu Police Post which has holding cells. Police was also supported through another funding line attached to HIJRA with assorted stationary to assist them in documentation of their cases.

Coordination

- In Kyaka II, Justice law and order stakeholders deliberated on strategies to improve refugee access to justice. The district police officials were urged to participate in community policing initiatives while the partners were also requested to share information from their legal aid working group meetings with the judiciary.
- UNHCR in Rwamwanja met with Kamwenge District officials to address key factors hampering access to justice for marginalized groups including refugees. Among the issues discussed included the increased domestic violence cases, poor handling of exhibits by Police and inadequate support for mobile courts and some action points were considered by the stakeholders.
- The resident Magistrate of Nkoma Sub County - Katalyeba Town Council chaired a meeting with 44 participants from the Judiciary, Directorate of Public Prosecution, Police, Prisons, local government and UNHCR. Among issues discussed included; building the capacity of Police, improvement in the investigation for murder and Defilement cases, completion of the juvenile holding centre, Diversion skilling and Community Policing on Domestic Violence.
- In Yumbe, 01 District Coordination Committee meeting was held in Yumbe Magistrate's Court Hall attended by 17 (4F/13M) participants. The key issues deliberated on included; support to the law enforcement institutions with stationary, support to Police in community policing, trafficking of persons in town and settlement, drug substance abuse, children's rights, plea bargaining sessions in Yumbe Prison, inclusion of religious leaders in Yumbe for trainings on mediations/alternative, dispute resolution mechanisms, provision of health services to Prisons, advocacy for building a mortuary in Yumbe town and complaints on high charges for medical examinations by health centers.
- The settlement interagency coordination meetings were held in the Kiryandongo and Kyangwali on 06th and 27th June 2019 respectively. Key emerging issues discussed in Kiryandongo included the increase of local and home based alcohol brewing centres across the settlement, budget gaps mainly affecting logistics and increased congestion at the health centre. In Kyangwali the key issues were; need to conclude and share the PSN lists to ensure

timely implementation. Need to decongest the Reception Centre and also the need to prioritize relocation of the Malembo caseload.

Gaps Identified

The following challenges continue to persist:

- Lack/limited facilities for holding juvenile offenders at police posts, this often leads to detention of children together with adults.
- Need for alternative feeding systems for inmates in detention.
- Inadequate facilitation of Court personnel which is a demotivating factor that affects execution of Court duties and participation in Mobile Courts.
- Ignorance of the laws of Uganda coupled with limited knowledge of Court procedures.
- Limited number of judicial officers to handle cases often causes delays in trials especially for capital offences leading to case backlog.
- Inadequate facilitation of police (fuel, vehicles and accommodation). Insufficient accommodation for the police continues to affect presence of police in settlements. The international standard requires that one police officer is deployed per 500 individual; the current numbers fall below this standard.
- 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 abode.
- Some prisons are faced with limited accommodation leading to congestion. Additionally, some facilities lack fences and permanent latrines.
- Poor and prolonged investigation of cases due to lack of facilitation leading to frequent adjournments, poor turn up of witnesses and lack of investigative skills in handling cases among others.
- Delayed reporting of cases which affect outcomes of cases especially where material evidence is missing or tampered with.

Partners Implementing Access to Justice Response

Partners: IRC, HIJRA; DRC, ULS, ARC, RLP; InterAid Uganda, CAFOMI

Operational Partners: UNDP, LASPNET

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