



LEARNING YOUR RIGHTS



THE UGANDA PRISONS SERVICE

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FOREWORD

The National effort in creating awareness of our human rights and civic duties requires us to continuously educate ourselves and the general public on those aspects of the law touching on the promotion, respect and defence of human rights. These series aim at exactly doing that.

Street Law (Uganda) is fully committed to the promotion and defence of human right through civic education. That is the rationale behind the production of the materials in the “Learning your Rights Series”. The objectives are in accordance with the organisation’s mission of working for the promotion of the rule of law, democracy and human rights in Uganda. It is a mission shared with the entire family of Street Law organizations in the individual countries in the continents of North America, South America, Europe and other countries in Africa.

We hope in the nearest future to translate these pamphlets into the major Uganda languages so as to reach a vast number of the population who can not read and write the English language.

It is our hope that this effort will have a far reaching impact on the promotion, respect and defence of human rights in Uganda by both State and non-state actors.

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Solomon Webalearaali
Executive Director

INTRODUCTION

Uganda Prisons Services is part of the integrated justice system responsible for the safe, secure and humane custody of prisoners who are sentenced to imprisonment and individuals who have been remanded by the courts of Uganda. The institution derives its authority from the Constitution and the Prisons Act.

Prisons Service is responsible for the provision of safe, secure and humane custody of prisoners. Besides custody, the prisons service is responsible for providing social rehabilitation to prisoners in preparation for their re-integration back to their local communities upon completion of their sentences. Rehabilitation includes providing prisoners with industrial and agricultural skills they will find useful once out of prison.

THE ROLE OF PRISON SERVICES IN THE ADMINISTRATION OF JUSTICE

- Safe custody of prisoners;
- Rehabilitation and reform of prisoners;
- Imparting industrial and agricultural skills to prisoners;
- Fostering close collaboration with other organs of the criminal justice system;
- Observance of human rights of prisoners;
- Ensuring that prisoners are produced before competent authorities as and when required.

VISITING PRISONERS

The only person other than prison officers entitled to enter prisons are:-

Visiting justice: - Chief Magistrates, Officers of the Uganda Human Rights Commission, Magistrate Grade I, and Chief Administrative officers.

Magistrates and Chief Administrative Officers are visiting Justice to prisons

situated in their areas of jurisdiction and administrative boundaries respectively.

Unofficial visitors: - which term includes officers of other departments having business with the administration of the prison, persons calling upon the Officer In-Charge with regard to business related to the administration of the prison.

Visitors to prisoners:- This term includes relatives or friends authorized by law to visit individual prisoners, voluntary visitors authorized by the Commissioner General of Prisons, prisoners' advocates, NGOs, after care officers and members of the clergy or religious teachers.

When and how to visit a prisoner.

It is the right of prisoners to remain in touch with their family members, relatives and friends. It is one way of preparing them for re-integration in the community when they are eventually released. One of the ways of exercising this right is to allow prisoners receive private visitors. Besides relatives and friends, prisoners have the right to be visited by their lawyers and personal doctors.

Generally, a prisoner can be visited on any working day i.e between Monday and Friday, visiting hours are from 8:00 O'clock in the morning to 5:00 O'clock in the evening. However, there is no standard system for each prison to follow in receiving private visitors. Each prison is allowed to make its own regulations with regard to visitors depending on its environment and circumstances. However, the regulations should not be in violation of the right of prisoners to receive visitors. The regulations should aim at making the visits smooth.

The open policy of the Uganda Prisons Service does not however apply where the purpose of the visit is not to visit a particular prisoner. Such visits like those by researchers require specific authorization.

Visits to Luzira Prison

Luzira has a special status among Uganda's prisons. It is the country's maximum security prison. Thus some of the general provisions regarding prison visits may not be applicable to the prison because of its special status. This is why it is specially mentioned.

The prison is divided into four units namely Murchison Bay prison, upper prison, Kampala Remand prison and Luzira Women's prison. Upper prison is a maximum Security prison where persons convicted of or charged with capital offences are held. The official visiting days for Upper prison are Tuesday and Friday. Murchison Bay Prison is for those convicted of non- capital offences. Its visiting days are Tuesday, Wednesday and Friday. The Kampala Remand Prison is for prisoners who are still on trial for non capital offences. Luzira Women's Prison is for Women prisoners. It has its own remand unit, a maximum security unit for condemned women prisoners and a unit for those convicted of non-capital offences.

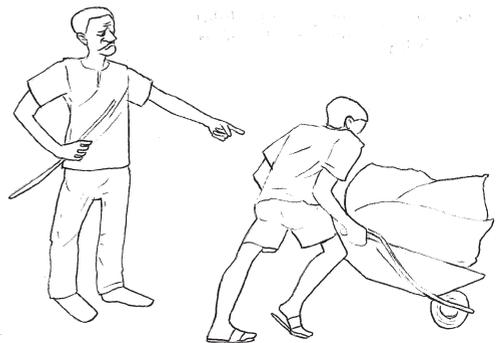
Weekends and public holidays are to be excluded. However, because the prison services runs an open policy, a visit may be allowed on weekends and public holidays where there are reasonable grounds to do so.

Since prisons have sections, it is important that relatives who want to visit should know the offence with which the prisoner was charged or the reason for the imprisonment (e.g. upon non payment of a civil debt) and the stage at which the criminal case is. This is because prisoners are kept depending on the said classifications.

It is emphasized once again that other than Luzira prison, other individual prisons in the country have their own regulations governing prison visits.

PRISON LABOUR

Civil and remand prisoners are required to keep clean their cells, immediate surroundings, furniture, clothings and utensils. They may not be subjected to any other form of labour unless they so wish and consent to that other labour. Prison hard labour was abolished under S. 44 of the Prisons Act.



Any other form of labour for convicted prisoners should be light. However, this has created problems for prisons officers as the Act does not define what light labour means. However, the Prisons Act makes it mandatory for every prisoner to work or render such labour as may be directed by the officer in charge with general approval of Commissioner of Prisons.

MEDICAL CARE

Prisoners have the right to proper medical care. The law requires every prisoner on reception, to be medically examined and his or her state of health recorded. The record should state whether the prisoner is fit for work or not. The law requires a prisoner not to mix with other prisoners until he or she has been medically examined.

Prisoners have the right to private medical treatment. However, such treatment may be provided at the expense of the prisoner. Permission to receiving such treatment must be sought from prison authorities.

Prisoners may be admitted in government hospitals or private hospitals at their own cost. Pregnant women prisoners have the right to receive ante-natal medical care. Pregnant prisoners may only be subjected to work when found to be medically fit.

- The relatives or next of kin of prisoners found seriously or dangerously ill are supposed to be immediately informed.



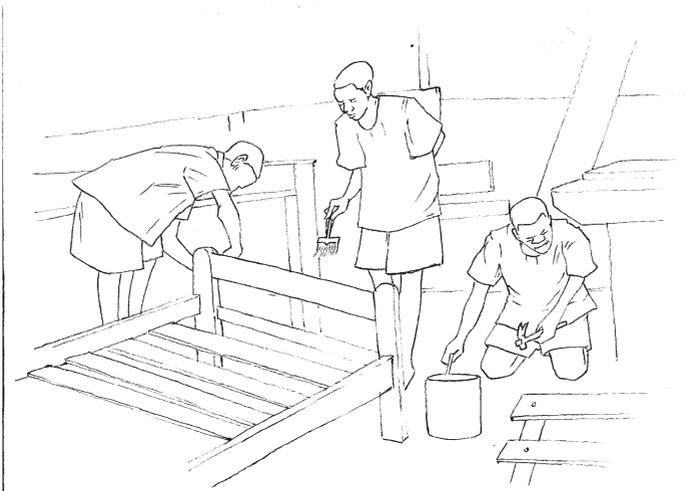
CONDEMNED PRISONERS

The law requires prisoners under death row (those sentenced to death) to be kept apart from all other prisoners. Condemned prisoners may not be subjected to labour and are entitled to visits from their relatives and spiritual/religious advisors. A condemned prisoner may not receive three visitors at a time. They may also write and receive letters from their friends and relatives. But of course these correspondences are highly censored by the prison authorities especially if the prisoner is charged of a capital offence or political offences.

All condemned prisoners are entitled to do physical exercises in an open yard of a condemned wing for two hours a day and this accounts for the development of several games at Luzira.

EDUCATION:

Of late imprisonment is not only about punishing the offender but also about ensuring that the prisoners achieve education. The U.P.E and U.S.E programs have been extended to Luzira prison and most of the prisoners are benefiting from these programs. It is however not compulsory but voluntary. Other educational programs include; counseling techniques, family planning, sex education etc, etc.



COMPLAINTS BY PRISONERS

The law requires that every prisoner on admission be provided with written information about the regulations governing the treatment of prisoners, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints and all such other matters necessary to enable the prisoner understand both his or her rights and obligations.

The law allows prisoners opportunity to talk to the officers in charge of the prison, prison inspectors or any other inspecting authority. The prison staff like wardens should not listen to what the prisoners are telling the inspectors.

Prisoners are therefore encouraged to exercise their right to raise complaints whenever there is an opportunity to do so and at the same time obliges the officer who receives the complaint to expeditiously address it bearing in mind, the overall Constitutional mandate of observing natural justice.

PRISONS FARMS AND INDUSTRIES

Uganda Prisons Service has a number of farms and industries scattered in various parts of the Country. These farms and industries are supposed to rehabilitate prisoners by imparting agricultural and industrial skills in carpentry and joinery, metal works, crafts, brick lying and so on, which they can gainfully use after release so as to turn them away from the life of crime. The farms and industries are also supposed to generate revenue to offset the cost of running prisons.

In conclusion it should be noted that throughout my research, the members of the Prisons Service i.e the prison warders are the most disciplined as a Justice Law and Order Sector. It is amazing that the prisoners as well are also generally disciplined and organised. In fact most of the prisoners, experience behavioral change by turning to God and by realising their natural potential and by the time they come out of jail they have learnt to forgive, to work hard and to stay clear of crimes. It should however be noted that this is peculiar especially to those from Luzira unlike in other prison centres not regularly visited by inspectors, human

right advocates etc. There are a variety of disadvantages related to imprisonment which include breakup of families, lack of where to start, rejection by society consequently government needs to establish institutions to manage or handle those ex-convicts and so on. This however is not for discussion in this series.

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