

Luzira Victims: Posted Jan 10, 2010

No one wants a criminal to live among them but when people are prisoned for months and ages without a single charge or trial, that alone makes you suspect and doubt the independence of the judicial system conducted by that Government that is abusing those individual's rights! Take for example **Uganda's filthy rotten Luzira prison** which now houses **inmates 5times** more than it's original maximum capacity of 9,000.

Instead of calling these prisoners (inmates or criminals) let me call them **victims**, these victims range from 15 years of age and up; mostly from the North and central regions of Uganda which have been subjected to a pattern of wanton violence and mass destruction by Museveni's army and the ball of spies that have no limits. According to our inside sources one informer told us that the main reason why these two regions have been singled by the government is simple! Unemployment and frustration are so high in these two areas which has led to (1) An exorbitant number of high school and college dropout due to the fact that parents can no longer afford school tuition, (2) The government believes this is enough to compel anyone to join any of the various rebel movements.

Instead of addressing the issue and prevent the inevitable, the government has chosen the hard road and enacted ridiculous laws such as “**idle & disorderly**” *this one means that if you are found standing or sitting in one place for over 5 minutes, you can be arrested indefinitely for simply doing so.* To enforce this law the president instructed his devotee the police chief, General Kaihura to have no mercy; *the results can be seen in the pictures below.*

Now in a country where parents can not afford to pay for their children's education and employment is only for the well connected, what do you expect people to do other than sit and think? Below are pictures of victims of those injudicious laws, infected with diseases and no help or treatment.



in jail 19 months and no charge



Conditions inside Ugandan prisons is appalling; the small jerry cans that the prisoners use to wash in the toilet are the same jerry cans they use for their drinking water. Prisoners sleep on the hard cemented floor without a single bed-sheet to disguise the conditions of the hard cold floor or to use as covers, then they wake up very early in the morning to dry up the paddles of water that always accumulate overnight.

Prisoners use empty tins as toilets and this leaves a terrible smell in the prison rooms during the night and the place is infested with cockroaches which swam over the food dishes and crawl all over the prisoners in their sleep at night.

Minors of fifteen to sixteen years old also imprisoned with a bunch of grown men.



You can see how they sleep and on the other hand what they eat and how they live!!!!



Being locked up in Uganda commonwealth prisons for nothing is as easy as buying a pancake. Dying in the Commonwealth prison is as easy as turning on a light switch. Dying of longterm poisoning even short-term is how **Genocidal Yoweri Museveni prefers!!**

June 24, 2009

Letter to the Ugandan Minister of Justice on Long-Term Detainees

Your Excellency,

Human Rights Watch is writing to draw your attention to the prolonged incarceration of 17 individuals whose cases as a matter of law demand your urgent action. In each case, the individual has been imprisoned for months or years awaiting “Minister’s orders” to be sentenced, released, or placed in the appropriate custodial care. Most were convicted for crimes without due process, or were found not guilty at all. We are deeply concerned that the Justice Ministry’s failure to appropriately act on these cases is depriving them of their rights under the Uganda constitution and international human rights law.

The 17 imprisoned individuals fall into two groups: 12 were sentenced to death without an attorney, and five were deemed by the courts to be not guilty due to lack of adequate evidence. Several have languished in prison for more than five years as they have awaited a determination of their status by your office. We have enclosed the details of each case.

As you know, Uganda's Trial on Indictments Act, article 105, requires the Minister of Justice to determine the sentence in cases involving individuals convicted of death-sentence-eligible crimes committed when they were minors. Human Rights Watch is aware of 12 individuals at Luzira prison who are in this situation. They have been awaiting an order from the Minister of Justice regarding their sentence for varying lengths of time – from 18 months to eight years.

One prisoner, HBI[1], has not been informed of his sentence since being convicted of a 1996 robbery 12 years ago, on June 16, 1997, when he was 16 years old. On December 12, 2001, the Fort Portal High Court informed him to await Minister's orders for a sentence determination. He has awaited a determination of his sentence by the Minister of Justice ever since. He is now 29 years old. Another four individuals, who were 16 and 17 years old when they committed their crimes, are still without a sentence despite convictions in 1999.

The long-term detention without sentencing of children violates Uganda's commitments under the Convention on the Rights of the Child, to which Uganda is a party. Under article 37(b) of the Convention, the imprisonment of children – defined as those under 18 at the time of the offense – should be a last resort and for the minimum period possible. A central goal of the criminal justice system in relation to children in conflict with the law should be to provide them with rehabilitation.

Human Rights Watch is aware of five additional individuals who are considered by prison and court officials to be insane but who remain on remand. Uganda's Trial on Indictments Act, article 48, requires that the Minister of Justice order someone who has been found not guilty by reason of insanity during trial to be held in a prison, mental hospital, or other suitable place of safe custody. The individual is on remand until such a determination is made. Once the Minister of Justice has issued this order, the superintendent of the custodial facility where the individual is detained must, according to the law, issue regular reports to the minister regarding the individual's condition, history, and circumstances. When considering the report, the Minister of Justice may order the prisoner to be discharged.

Unfortunately, without the Minister's orders, this reporting does not occur, and the individuals are detained on remand indefinitely. Given the particular psychological needs of these individuals, their cases should be handled with the utmost sensitivity. Those so detained are being held contrary to international principles dealing with mental illness. According to the United Nations Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, every patient has the right to receive health and social care appropriate to his or her health needs, and is entitled to care and treatment in accordance with the same standards as other ill persons. Every patient also has the right to be treated in the least restrictive environment and with the least restrictive or intrusive treatment appropriate to the patient's health needs and the need to protect the physical safety of others.

One individual, AB from Mbarara, was arrested in 1997 on defilement charges and has been awaiting Minister's orders for nearly nine years, since November 15, 2000. Despite his conviction, Mr. B is legally entitled to an impartial and expeditious resolution of his case and to appropriate psychological assistance.

The prolonged delay in notifying all 17 of these individuals of their legal status is a serious violation of their rights under both Ugandan and international law. Under the Ugandan constitution, article 28(1), all Ugandans have the right to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law. This includes the right to be informed of their sentence in a timely fashion.

The International Covenant on Civil and Political Rights (ICCPR), which Uganda ratified in 1995, sets out the rights of those accused of crimes before the law. Under articles 9(3) and 14(3)(c) of the ICCPR, all defendants have the right to a conclusion of the proceedings against them without undue delay. These 17 cases all involve periods of time well beyond what has been deemed by the Human Rights Committee, the expert body that monitors states' compliance with the ICCPR, to be a reasonable delay. The Human Rights Committee in *McLawrence v. Jamaica* held that a delay of 31 months between trial and dismissal of an appeal was not reasonable in a capital case. (UN Doc. CCPR/C/60/D/702/1996, 29 September 1997, para. 5.6).

Below are the relevant details of the 17 cases. We ask that you look into these cases and promptly issue the appropriate orders as required by law so that the defendants can be informed of their legal status as soon as possible. Strong consideration should be given to international standards that discourage the imprisonment of child offenders and that provide individuals with mental health problems the necessary medical and psychological care.

According to information received by Human Rights Watch, the Ministry of Justice has been informed by officials of the Uganda Prison Service of these cases, but there has been no action taken to issue the needed orders. We urge you to take up these cases immediately and ensure that they are handled as required by law. Doing so will be an important step in respecting the basic rights of the individuals concerned and demonstrating Uganda's commitment to international human rights standards.

We look forward to further dialogue with you and others in the Ministry of Justice and thank you for your attention to this important matter.

Sincerely
Mulyanti James