



Avocats Sans Frontières

## PRESS RELEASE

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### **LONG DETENTION BEFORE TRIAL IN UGANDA VIOLATES RIGHTS**

**Kampala, Uganda - Keeping detainees in prison for long periods without trial is in violation of the Uganda Constitution and international human rights law, finds Avocats Sans Frontières (ASF) and the International Human Rights Program at the University of Toronto in a joint report released today. The report entitled “Presumed Innocent, Behind Bars: The Problem of Lengthy Pre-trial Detention in Uganda” is based on analysis of the situation in eight Ugandan prisons and calls on the Ugandan government to take urgent action to address this major problem in the justice system.**

The report is based on a study of 2,000 detainees being held in Ugandan prisons awaiting trial in the second half of 2010; the research team found that 32% of them had been in prison longer than the period allowed by the Ugandan Constitution. The 348 detainees who fell under the jurisdiction of the General Court Martial were the most likely to suffer from violation of their right to be tried within time limits fixed by the Constitution. According to the report, over half of those individuals were being held illegally.

Another group particularly affected is detainees charged with capital offences, who face a possible death penalty. Those persons had been in detention without trial for an average of well over one year, which is twice the maximum period allowed by law. Although these persons have been accused of very serious crimes, they have not been proved guilty at trial and thus must be presumed innocent under the law. Therefore, their long detention violates their rights.

The Constitution sets maximum periods of time for pre-trial detention for capital cases (180 days) and other offences (60 days). However, the 180 day clock effectively “stops ticking” once a person is committed for trial in the High Court, even if the trial does not actually commence for months or even years. The report found that over 240 people had been held without trial for an average of 488 days after their capital cases were committed for trial in the High Court. “This is a major “loophole” in the Constitution and a serious problem in the criminal justice system”, says Melanie Reimer, ASF Head of Mission in Uganda. “We recommend urgent action to ensure that people in this situation are not being kept indefinitely in detention without their cases being brought to trial.”

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#### **KAMPALA OFFICE**

Plot 49 Kanjokya Street, Kamwokya  
P.O. Box 36710 Kampala  
Tel.: +256 (0) 312 265 842  
ug-hom@asf.be

#### **SOROTI OFFICE**

Plot 10 Engwau Road, Soroti  
P.O. Box 142 Soroti  
Tel. +256 (0) 352 260 083

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Other recommendations in the report include a rapid scheduling of trials for those who have been detained for the longest periods, a comprehensive review of overstay cases to consider if bail or dismissal is appropriate, increased scrutiny of the General Court Martial and associated prisons such as Kigo, and better access to defense lawyers for detainees .

“We recognize the initiatives of bodies such as the Uganda Prison Service and the JLOS (Justice, Law and Order Sector) as well as various civil society organizations to reduce prison congestion”, states Melanie Reimer. However, concerted efforts on various fronts are still needed to resolve the pressing problem. “Higher priority needs to be given to protecting and respecting the rights of all Ugandan citizens, including those who are languishing in prison. No one should be deprived of his or her fundamental right to liberty without any court having declared their guilt – or their innocence”, she concludes.

To access the full report: go to [www.asf.be](http://www.asf.be) (publication section)

Contact:

**Avocats Sans Frontières – Kampala**  
Melanie Reimer  
Tel. +265 779 681 882, [ug-hom@asf.be](mailto:ug-hom@asf.be)  
Or  
Barbara Nambi  
Tel. +265 777 206 405, [ug-apr@asf.be](mailto:ug-apr@asf.be)

**International Human Rights Program**  
University of Toronto  
Renu Mandhane  
Tel. +1 416 946 8730  
[renu.mandhane@utoronto.ca](mailto:renu.mandhane@utoronto.ca)

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Avocats Sans Frontières (meaning “lawyers without borders”) is a Belgian-founded international non governmental organisation headquartered in Brussels. The primary goal of ASF is to contribute to the strengthening of institutions and development of mechanisms that allow for access to independent and impartial justice, and which are capable of guaranteeing the protection of fundamental rights (civil and political, economic and social), including the right to a fair trial. ASF is active in Uganda since 2007. Its objective is to improve access to justice for vulnerable persons and contribute to the fight against impunity in the country. More information is available at [www.asf.be](http://www.asf.be)

The International Human Rights Program (“IHRP”) at the University of Toronto, Faculty of Law enhances the legal protection of existing and emerging international human rights obligations through advocacy, knowledge-exchange, and capacity-building initiatives that provide experiential learning opportunities for students and legal expertise to civil society. More information is available at [www.utorontoihrp.com](http://www.utorontoihrp.com)

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