



TRAINING MANUAL

FOR CRIMINAL
JUSTICE ACTORS

The Provision of Holistic Legal Aid Services to Detainees, Prisoners and Ex-prisoners

Training Manual for Criminal Justice Actors

SEPTEMBER 2024

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1. INTRODUCTION

This Manual is intended for trainers of justice actors to equip them with tools to manage the provision of holistic legal aid services for prisoners and ex-prisoners. It should be noted that prisoners and ex-prisoners stand out as one of the most neglected and sometimes reviled groups in the criminal justice system. For prisoners, their vulnerability arises from the fact that in the first place they have lost their freedom and are dependent on other persons for their needs. In addition, imprisonment for most people results in loss of income and resources that could be used to access legal services. Moreover, usually, members of the families of prisoners or ex-prisoner become secondary victims and are equally exposed to vulnerability. For ex-prisoners, they sometimes find it hard to re-integrate in society after release. This is a result of stereotypes towards these persons by society, among others. Most affected in this regard are prisoners and ex-prisoners facing prosecution and have served time for extremist violent and organized crimes.

As a matter of fact, most legal aid service providers restrict their services to legal representation and do not address the holistic legal needs of prisoners and ex-prisoners, including their psycho-social needs. For the prisoners, rehabilitation should be the primary reason for incarceration. On the other hand, re-integration should be the key aim for ex-prisoners. To achieve all these requires a multi-pronged approach by various actors, including legal aid service providers and other state and non-state actors. Among these are community-based organisations, local authorities and legal aid service providers. Unfortunately, many actors lack both skills and knowledge to provide the much-needed support for this purpose.

It is against the above background that the relevance of this Handbook should be understood.

1.1 Purpose of Manual

This Training Manual has been developed by the Legal Aid Services Providers Network (LASPNET) with the support of the United Nations Development Office on Drugs and Crime (UNODC) under a programme entitled *Strengthening Crime Prevention and the Criminal Justice in Uganda*. The Manual is to be used as a tool for training justice actors within the criminal justice system on the provision of holistic legal aid services to prisoners and ex-prisoners, especially those facing and incarcerated for extremist violent and organized crimes. The training as a capacity building activity is intended to contribute to a broader objective of strengthening of the rule of law through crime prevention and the promotion of effective, fair, humane and accountable criminal justice systems. This is in line with the United Nations standards and norms on crime prevention and criminal justice and other relevant international instruments. Although focus is on prisoners, the training activities as outlined in the Manual provide guidance right from the stage of arrest, detention in police custody, plea taking, trial, sentencing, imprisonment to release and re-integration.

1.2 Aim, Objectives and outcomes of training

The aim of the training is to build the capacity of actors in the criminal justice system to enable them provide holistic legal aid services to prisoners and ex-prisoners facing prosecution or convicted for extremist violent and organised crime. This in addition to supporting the rehabilitation and reintegration of prisoners and ex-prisoners. This is particularly for persons convicted of violent crimes. Among others, the training is to be guided by the Human Rights Based Approach (HRBA) by placing it within the international, regional and national human rights norms. The relevant norms are those contained in human rights instruments as well as those relating to the treatment of prisoners.

The objectives of the Training include the following:

- ◇ Identify the challenges that hamper provision of legal aid services to prisoners
 - (i) To embed foundational knowledge of participants on the international, regional and national human rights applicable to prisoners and ex-prisoners as well as the international standards relevant the treatment of prisoners and ex-prisoners;
 - (ii) To create a shared understanding of the concept of holistic legal aid services and to build the capacity of participants to provide these services to prisoners and ex-prisoners and especially those prosecuted and convicted for extremist violent and organised crimes;
 - (iii) To identify challenges that hamper the effective rehabilitation of prisoners and re-integration of ex-prisoners and design creative responses; and
 - (iv) To explore and establish interlinkages between the legal and psycho-social needs of special prisoners and ex-prisoners prosecuted and convicted for extremist violent and organised crimes and the vulnerabilities they face as well design tools to support rehabilitation and reintegration of the prisoners and ex-prisoners respectively.

1.3 Summary of Manual and the Sessions

This Manual has six sessions that address various issues relevant to the rights of prisoners and ex-prisoners. The sessions start with an introduction to the concept of human rights, highlighting the human rights systems and their relevance to the criminal justice system. The basics of human rights are introduced and discussed. This session is followed by a session that looks at the concept of extremist violent and organised crime. These crimes are defined and illustration of the context, causes and impact of these crimes. It is also demonstrated how criminal justice systems deal with these kinds of crimes. The other session is on the issue of holistic legal aid services, elaborating the meaning and features of this type of legal aid. Among others, the special holistic legal needs of prisoners serving time for extremist violent crimes are illustrated. In addition, the relationship

between legal aid and the livelihood needs of prisoners and ex-prisoners are highlighted. Session IV deals with the subject of the legal framework and remedies for prisoners and ex-prisoners. The intention of the Session is to expose participants to the provisions of the law relevant to the rights of prisoners and ex-prisoners and the remedies they provide. Session is dedicated to the subject of rehabilitation of prisoners. In addition to detailing the purpose of rehabilitation and the forms they take, the Session deals with the role of legal aid service providers in promoting rehabilitation and reform of prisoners. The last Session, VI, deals with the re-integration of ex-prisoners and the importance of this. Experiences of some ex-prisoners are presented.

1.3.1 Outline of sessions

Session I:	Human rights law, systems and criminal justice
Session II:	Context, extremist violent and organised crimes and criminal justice systems
Session III:	Providing Holistic Legal Aid by Service Providers
Session IV:	The Legal Framework and remedies for prisoners and ex-prisoners
Session V:	Rehabilitation and Reform of Prisoners
Session VI:	Ex-prisoners and reintegration

1.4 Competence of Facilitators

The delivery of the training sessions prescribed by this Manual will require trainers with both the skills and knowledge of the rights of prisoners as well as matters of rehabilitation and re-integration of ex-prisoners. The facilitators should have skills compassing the following areas:

- (i) Human rights – international, regional and national mechanisms;
- (ii) Rights of prisoners, rehabilitation of prisoners and re-integration of ex-prisoners; and
- (iii) Access to justice and provision of legal representation and aid services;

1.5 Assessment and Evaluation

The purpose of a training is to improve people's skills and equip them with knowledge they can use to provide their services more efficiently. It is therefore important to establish the knowledge and skills gaps of participants before the training. After the training, it is important to determine how the training has impacted on the participants. With respect to this particular training, the following will be done to achieve this:

- (i) A knowledge gaps assessment will be done prior to the delivery of the training. This will involve putting some questions to the participants for their responses. The questionnaire in Annex I will be used.
- (ii) After the training, the same questions in Annex I will be put to participants to assess the knowledge they have obtained.

2. THE SESSIONS

SESSION I

2.1 Human rights law, systems and criminal justice

One of the most significant developments of the 19th Century was development of human rights and the concrete protection of the rights as part of international law. Historically, human rights have developed as norms that protect the inherent worth of human beings by setting standards that guide human interaction. The rights also create opportunities to enable people live a meaningful and wholesome life. Human rights are viewed both as based on moral reasoning, creating ethical standards but also as socially sanctioned legal norms.¹ Among others, as a response to the horrors of the Second World War, the international community moved to concretise human rights by having them protected by the United Nations Charter as well as the Universal Declaration of Human Rights (UDHR). The protection of human rights has since expanded through the adoption of various international treaties, continental conventions and national laws. The rights are not entrenched and permeate all aspects of life.

2.1.1 Session Description

This Session is intended to introduce the basics of human rights, the relevant concepts and principles. The Session discusses the history of human rights and the approach to civil and political rights and freedoms, and how these relate to the criminal justice. The session also discusses the obligations, both general and specific, that are generated by human rights law. This is in addition to enhancing the knowledge of participants on the available redress mechanisms to address violations of the rights

¹ Stephen P. Marks *Human Rights: A Brief Introduction* (2016) Harvard TH Chan School of Public Health

2.1.2 Objective and outcomes of session

The session is intended among others to introduce participants to the concepts of human rights especially as they relate to civil and political rights, of which the rights of suspects, accused persons and prisoners are part. This is in addition to empowering participants to use the existing mechanisms to protect the rights of prisoners and ex-prisoners and obtain relief for violations. By the end of the session, the trainer should ensure that the participants should be able to answer the following questions:

- (i) What is your understanding of human rights?
- (ii) What are the principles of human rights?
- (iii) What are the common perceptions and misconceptions about human rights?
- (iv) What is the relationship between human rights and criminal justice
- (v) What is the existing human rights redress mechanisms.

2.1.3 Content

Issues to be canvassed by the session include the following:

- (i) Definition of human rights
- (ii) Principles of human rights
- (iii) History and sources of human rights
- (iv) Notions of criminal justice and human rights
- (v) Human rights and the rights of victims of crime
- (vi) International standards on the treatment of prisoners
- (vii) Existing human rights protection mechanisms
 - (a) The Uganda Human Rights Commission and its mandate for the protection of human rights and giving relief for violations
 - (b) Protections under the Human Rights (Enforcement) Act, 2019

Using the Uganda Human Rights Commission

The Uganda Human Rights Commission is the Government agency in charge of protecting human rights and giving redress to victims. Under Article 52(1) of the Constitution, the functions of the Commission include the following:

- (a) To investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right
- (b) To visit jails, prisons and places of detention or related facilities with a view to assessing and inspecting conditions of the inmates and make recommendations

In exercising its functions, the Commission has the powers of a court of law as elaborated in Article 53(1). The judicial powers of the Commission are elaborated further under the **Uganda Human Rights Act, Chapter 24 of Laws of Uganda**.

Action:

Legal aid service providers can take advantage of the powers of the Uganda Human Rights Commission. This could include reporting cases of prisons and other places of detention violating rights for the Commission to conduct inspections of these. **Cases of individual violation of rights of prisoners could be report to the Commission in the form of complaints for adjudication to obtain relief.**

2.1.4 Method:

- A short lecture combined
- Guest speaker from the Uganda Human Rights Commission to educate participants on the procedures for reporting rights violations to the Commission.

2.5. Duration 2hrs Essential Reading

- (i) United Nations Charter
- (ii) Universal Declaration of Human Rights
- (iii) The Uganda Human Rights Commission Act, Cap 24 of Laws of Uganda

SESSION II

2.2 Context, Extremist violent and organised crimes and criminal justice systems

There is no established catalogue of what constitutes “violent crime”. However, violent crime has been defined to be “when someone physically hurts or threatens to hurt someone, and also includes crimes where a weapon is used”.² It should be noted however that even the simplest of crimes can result into violence or a threat of violence. However, what makes violence extremist is the ideological underpinnings of the violence and the commitment to use extreme violence as a means of realising social and political objectives. One of the most common manifestations of extremist violent crime has been terrorism, which has resulted in loss of life, destruction of property and disruption of life in many respects.

On the other hand “organised crime” comprises of those complex crimes committed as part of an organised centralised enterprise. The criminal behaviour, which sometimes involves various persons, is well planned and organised. The criminal activities are usually not random but occur after careful planning. This kind of crime can turn out to be sophisticated and hard to combat.

2.2.1 Session Description

This session is intended to help participants understand the context of extremist violent and organised crime and how the justice system deals with these. It is important for service providers to understand these crimes, in terms of how they manifest and their effects, including on victims. The session will also examine the unique legal needs of suspects of these crimes and those accused of the same. This is in addition to those convicted for the same and serving time in addition to those who have served time for the same.

² *Victim Support, United Kingdom.*

2.2.2 Objective and outcomes of the session

The objective of the session is to equip participants with knowledge and information on the nature of extremist violent and organised crime in order to enable them understand the unique legal needs that these crimes give rise to and how these can be addressed as part of the provision of holistic legal aid services.

By the end of the session, the participants should be able to answer the following questions:

- (i) What are extremist violent and organised crimes?
- (ii) What are some of the causes of extremist violent and organised crimes?
- (iii) What are the effects of extremist violent and organised crimes?
- (iv) How does the criminal justice system deal with extremist violent and organised crimes?
- (v) What are the unique legal needs of those accused of extremist violent and organised crimes and how can these should be addressed?

2.2.3 Content

- (a) Causes of crime from a sociological perspective
 - Strain Theory
 - Social Learning Theory
 - Control Theory
- (b) Effects of crime
 - Economic effects
 - Social costs
 - Psychosocial impact
 - Political effects
- (c) Society and strategies for managing extremist violent crime
 - Situational crime prevention
 - Social and community-based crime prevention
 - Environmental crime prevention

(d) d. Gender and crime

- Understanding gender differences and deviant behaviour
- Raising female criminality
- Women as victims of violent crime
- Gendered impact of crime

(e) Extremist violent and organised crime and the law

- Terrorism
- Terrorism
- Violent drug related crimes
- Drug trafficking
- Human trafficking
- Illicit financial flows
- Money laundering
- Terrorism
- Corruption
- Smuggling and custom related offences
- Cyber crime

Note: Each of the above crimes should be described with reference to the relevant laws.

SPECIAL CONSIDERATIONS TO EMPHASIS

Persons suspected of having committed violent and organised crimes are susceptible to a number of abuses and violation of their rights. This manifests in the following ways: (i) Violent arrests; (ii) Torture; (iii) Pro-longed detentions without trial; (iv) Discrimination in the prison system; and (iv) Prejudices during trial.

Persons accused of violent crimes involving use of drugs and narcotics are highly vulnerable due to their mental state. Sometimes, these people need urgent medical attention as well as rehabilitation.

2.2.4 Methods

- ◇ A short lecture in which the theories of crime, the effects and strategies for combating the same will be discussed.
- ◇ The lecture will be followed by group work.

Group work:	Group participants into three groups, A, B and C. Each group should discuss the causes and effects of crime in their society and using their experiences or those persons that they know. They should then discuss the best strategy for combating the crimes. For each group, they should illustrate how the assigned theory on the causes of crime manifests in their society.
Group A	◇ Strain theory
Group B	◇ Social Learning theory
Group C	◇ Control theory

2.2.5 Duration 3 Hours

Essential Reading

Scottish Centre for Crime and Justice Research University of Glasgow Theories and causes of crime, at <https://www.sccjr.ac.uk/wp-content/uploads/2016/02/SCCJR-Causes-of-Crime.pdf>

SESSION III

2.3 Providing Holistic Legal Aid by Service Providers

Traditionally, legal aid has been limited to providing legal services during or after arrest, and during or after a trial. However, what constitutes legal aid has since expanded to include such legal services as promoting legal literacy. This though is still insufficient. This is because people interacting with the justice system may have needs that are beyond the traditional legal needs. This could include livelihood and psychosocial needs. It is for this reason that a new model of legal aid is evolving and the taking the form of “holistic legal aid”. Holistic legal aid has been defined as that an approach the provision of legal services that supports the whole person. This is by among others putting the wants and needs of the person at the center of every decision as such person interacts with the justice system. It is this form of legal aid that this Manual is concerned with as far as prisoners and ex-prisoners are concerned.³

2.3.1 Session Description

This session is intended to support participants and enhance their understanding of what constitutes holistic legal aid services and the role that different service providers play in ensuring the provision of this. The session is important to develop an enhanced understanding of legal aid service from its narrow approach to providing legal services at arrest and trial to include provision of service during imprisonment and on release. This is in addition to addressing the psycho-social needs of prisoners and ex-prisoners as part of holistic legal aid.

2.3.2 Objectives and outcomes of the session

The objective of the session is to enhance the knowledge of participants on the concept of holistic legal aid and to build their capacity to provide such legal aid to persons accused of extremist violent crimes and those

³ International Legal Foundation, *Holistic Legal Aid: Putting People at the Center of Justice* (March 2022)

serving time for these. This is in addition to providing the service to prisoners in detention and ex-prisoners to support their re-rehabilitation and integration.

By the end of the session, the participants should be able to demonstrate understanding of the following:

- (i) Meaning and elements of holistic legal aid
- (ii) The holistic legal aid needs of prisoners and ex-prisoners.
- (iii) The special holistic legal needs of persons suspected of and serving time for extremist violent crimes.
- (iv) The role of various service providers in the provision of holistic legal aid services
- (v) The limitations and challenges in providing holistic legal aid.

2.3.3 Content

- (i) Access to legal services and the context in Uganda
- (ii) Nature of traditional legal aid
- (iii) The legal and policy framework on legal aid
 - (a) *Access to state funded aid*
 - (b) *Regulation of legal aid sector*
 - (c) *Navigating the bottlenecks*
 - (d) *The legal aid policy*

ACCESS TO LEGAL SERVICE AS A HUMAN RIGHT

Human rights are freedoms that human beings enjoy by virtue of being human. They guarantee human dignity and protect freedoms that enable people to live a meaningful dignified life with access to all the basics of life. The rights are inherent—enjoyed by people on the basis of the fact that they are human. The rights are universal and therefore enjoyed by all person irrespective of their geographical or cultural context. Human rights

are diverse and protect people in different context. This includes protecting people who interact with the criminal justice system. This includes those accused of crimes as well as victims of crime.

(iv) Defining holistic legal aid

Holistic legal aid is an approach to legal representation that appreciates and supports the whole person and puts their wants and needs at the center of every decision. It involves collaboration between the client and his/her/their legal team in pursuit of the best possible life and legal outcomes, as defined by the client, in every case. It integrates legal and social support to both defend clients in court and respond to the causes and consequences of arrest by linking clients to other needed legal and non-legal resources, opportunities, and services. Importantly, the successful provision of holistic legal aid leads to more positive life outcomes for individuals and can help reduce strain on criminal justice systems. Holistic legal aid has been shown to reduce pre-trial detention, custodial sentences, sentence length, and recidivism and to increase the likelihood of mental health treatment, employment, and education attainment.

INTERNATIONAL LEGAL FOUNDATION

(v) The pillars of holistic legal aid

- (a) *Seamless access to services that meet clients' legal and social support needs.*
- (b) *Dynamic, interdisciplinary communication*
- (c) *Advocates with an interdisciplinary skill set.*
- (d) *A robust understanding of, and connection to, the community served.*

(vi) Legal aid and social and psychological needs

Police arrests can be extremely frightening and have overwhelming experiences, especially if they are unexpected. For some people, this can lead to the development of post-traumatic stress disorder (PTSD). PTSD is a type of anxiety disorder that can develop after exposure to a traumatic

event. Symptoms can include flashbacks, intrusive thoughts, nightmares, and severe anxiety. People with PTSD may avoid anything that reminds them of the traumatic event, have difficulty sleeping, and constantly feel on edge. PTSD is a very real and serious condition, and it is important to seek help if you are experiencing these symptoms.

Georgia Sun How Does Being Arrested Affect Your Mental Health? at <https://thegeorgiasun.com/2022/08/12/how-does-being-arrested-affect-your-mental-health/>

(vii) Legal aid and livelihood needs

Arrests and imprisonment sometimes disrupt the social wellbeing and livelihoods of the arrested person and those close to him/her. This may manifest as follows:

- ◇ *Imprisonment of the breadwinner*
- ◇ *Loss of employment due to the arrest or detention*
- ◇ *Loss of business due to the arrest*
- ◇ *Loss of income due to the costs of dealing with the arrest, including money and time.*
- ◇ *Strained family and other social relations due to the arrest and imprisonment.*

For the above reasons, a legal service provider should be mindful of the need to address the psycho-social needs of the suspect and prisoner.

(viii) Networking and referral pathways for legal and other services

2.3.4 Method

- ◇ Lecture presentation
- ◇ Experience sharing session. The participants will be prompted to share their experiences as far as provision of both traditional and holistic legal aid services is concerned. For this purpose, experienced participants will be identified and requested to share particular experiences, which will be followed by general discussions by all participants. The experience sharing will focus on the following:
 - a. *Challenges encountered in providing legal aid services*
 - b. *Approach to addressing psychosocial needs*
 - c. *Dealing with the livelihood needs of clients*
 - d. *Experiences providing services to prisoners and ex-prisoners.*
- ◇ In addition, a case-study will be presented and discussed to help participants identify the holistic legal aid needs of their clients in every case.
- ◇ Self-assessment exercise on extent of provision of holistic legal aid.

CASE-STUDY

Kawuma has been a vocal young man, a trait he built from his student days. At his secondary school, he was known for his activism which he used to link students to the Administration in order to have the welfare of students improved. Unfortunately, Kawuma dropped out of school in Senior Five when his father died in a car accident. This though did not dampen his activism. He continued working with local groups and leaders to advocate for the welfare of “his” people of Kunka Village. In 2016, Kawuma was elected a councillor, a position he used to build a political career. In this, he founded a group of youths which he code-name “Youth to Die (Y2D)”. This group grew in number and became a force to reckon with. Politicians in the area soon realised that without the support of this group, especially during campaigns, it would be hard to succeed. The group would mostly be used to boost the campaigns by mobilising votes for candidates. During a by-election in December 2023, the group was engaged by a

local politician with opposition leanings. However, tragically, at one of the campaign rallies, a fight erupted between supporters of rival candidates and in a process one person was killed. On 24th December, the police and army reacted immediately, arresting all members of Y2D, including Kawuma. The members have since been in detention at a police station 60 kilometres away from Kunka Village. Since their arrest, the detainees have been allowed access to their relatives only twice. This has sent most of them into depression. For Kawuma, fellow detainees have reported that he has developed persistent nightmares and goes through the episodes at least 3 times every night. The wound he sustained on his knee during arrest has also become septic. Kawuma's wife has also become so stressed as she now does not have any means of survival for herself and their two children. The officer in charge of the police station says that the detainees have been charged with terrorism and he is been waiting for orders from above with respect to the court where they should be arraigned, which could be the court martial. Muduka, aka Tough Hammer, is the only lucky detainee who was released after phone records showed that he was 200 kilometres away from the scene of crime on the fateful day. Unfortunately, by the time of his release, the detention had had an effect on Muduka. He had open wounds on his body, a broken born and now goes through hallucinations where he struggles to run away from people he says want to break his legs and cut off of his manhood. The 21 year old young man has now become a problem to his parents. For proper hygiene, he now has to wear adult pumpers, which his parents cannot afford. Muduka lost his job as a bouncer at a local dancing club.

Note: It is important for a legal aid service provider to establish the holistic needs of their client. This requires early intervention, sufficient interaction with the client, getting to know the client holistically and working with a number of professionals that can support the holistic approach. The approach may require integrating social workers and psychologists in the structures of legal aid service providers. The holistic approach is also client centred and involves working with the community and prosecution. It among others seeks to divert the client away from the criminal justice system and help the client to forge a successful and productive life.

Practical exercise: The participants will be given the self-assessment tool which they should use to score themselves as far as provision of holistic legal aid is concerned.

Pillar I: Seamless access to services that meet client legal and social support needs.

The Advocate represents its clients on their criminal defence cases.	The Advocate represents its clients on their criminal defence cases and addresses other legal and social support needs exclusively through referrals to other services. These referrals each require separate intake and eligibility screening processes.	The Advocate represents its clients on their criminal defence cases and addresses other legal and social support needs through referrals to other services, perhaps some in-house, self-contained units. Most referrals require separate intake and eligibility screening processes.	The Advocate is organized into interdisciplinary teams of advocates who represent clients on not only their criminal defence cases but on a host of other critical legal and social support needs. Access to all services is seamless from the client perspective
1	2	3	4
Less holistic More holistic			

Pillar II: Dynamic, interdisciplinary communication.

The lawyer is the only advocate working with a client	The Advocate represents a client and refers the client to other advocates as necessary, sharing the reason for referral. The information flows only from the criminal lawyer to the other advocates	The Advocate represents a client and refers the client to other advocates as necessary, sharing the reason for referral. The criminal lawyer and the other advocates share information back and forth.	The Advocate represents a client and refers the client to other advocates as necessary, sharing the reason for referral. The criminal lawyer and the other advocates share information back and forth, and the advocates communicate with each other independently
1	2	3	4
Less holistic More holistic			

Pillar III: Advocates with an interdisciplinary skill set.

Uni-disciplinary: Public defenders are criminal defense lawyers with traditional legal training.	Multi-disciplinary: Public defenders are a mix of advocates from different disciplines, each with traditional training in his respective field.	Cross-disciplinary: Public defenders are a mix of advocates from different disciplines with an understanding of each other's work and how it fits into the advocacy of clients.	Inter-disciplinary: Public defenders are a mix of advocates from different disciplines who incorporate skills from outside their own disciplines to advance client advocacy
1	2	3	4
Less holistic More holistic			

Pillar IV: Robust understanding of and connection to the community served.

Advocate neither work in nor interact with the client community.	Advocates are not based in the client community but participate in activities in the community.	Advocates are based in the client community and participate in discrete and periodic projects and events in the community.	Advocate are based in and perceived as a resource by the client community. They have regular and permanent systems for working and communicating with the community.
1	2	3	4
Less holistic More holistic			

2.3.4 Duration 2 Hrs

Essential reading

The Center for Holistic Defence **The Holistic Defence Toolkit** available at <https://www.apainc.org/wp-content/uploads/2017/08/Holistic-Defense-Toolkit.pdf>

SESSION IV

2.4 The legal Framework and remedies for prisoners and ex-prisoners

The law is a key instrument for organising society and creating certainty in human interaction. It can also be used to protect individuals and groups, most especially those whose rights are at risk. Such groups as prisoners need special measures of protection because of the vulnerability to which they are exposed. It is for these reasons that human rights law has been developed; it encompassed various instruments that protect human rights. This includes the rights of prisoners. The instruments proclaim standards by which prisoners should be treated and prison institutions run. At the national level, the law establishes prisons and defines procedures for running these as well as the rights of prisoners. This is in addition to defining remedies for prisoners and the procedures of enforcing these. Indeed, as much as imprisonment is a punishment that has been decreed by the law after a verdict of guilt, this does not deprive those being punished of all their rights. There is need for certainty as far as how the punishment is to be carried. This can only be achieved by using the law and is part of adherence to the rule of law.⁴ It is important for both prisoners and legal aid service providers to know the legal standards relevant to prisoners and how these can be used.

2.4.1 Session Description

This session is intended to introduce participants to the legal framework on the rights of prisoners and the different remedies available in the laws. The purpose of the session is to enhance the knowledge of the participants on how they can use the legal framework to protect the rights of prisoners and ex-prisoners. Some of the practical setps under the laws will be discussed.

⁴ Ebad Rouhi, Leila Raisi Dezaki and Mahmoud Jalali "Protection of Prisoner's Human Rights in Prisons through the Guidelines of Rule of Law (2017) 10 Journal of Politics and Law pp 71 – 83.

2.4.2 Objective and outcomes of the session

The objective of the session is to enhance the knowledge of the participants with respect the provisions of the law that define the rights of prisoners and ex-prisoners and how these could be protected. This is for the purposes of ensuring that the participants use the law and the procedures they define to protect the rights and obtain remedies for victims of violations of the rights.

By the end of the session, the participants should be able to demonstrate understanding of the following:

- (i) The domestic laws in Uganda which protect the rights of prisoners and ex-prisoners;
- (ii) The international and regional instruments that protect the rights of prisoners and ex-prisoners;
- (iii) Different remedies available for the violation of the rights of prisoners and ex-prisoners; and
- (iv) The procedures for pursuing relief for the violation of the rights of prisoners and ex-prisoners.

2.4.3 Content

- (i) Domestic laws International instruments

1.	Laws	Reference	Relevance
	1995 Constitution	Chapter 1 of the Laws of Uganda, 2023	Creates institutions with mandate to deal with detainees, including the Uganda Police, Uganda Prison Services, and Uganda Human Rights Commission, among others and guarantees various rights including in circumstances of arrest, trial and detention.
	Trial on Indictment Act	Chapter 25 of the Laws of Uganda, 2023	Provides for the conduct of arrests and the procedures for trial of accused persons in the High Court including plea taking, grant of bail, sentencing and execution of sentences among others. It also makes provision for trial of minors and persons with mental disability.
	Magistrate Courts Act	Chapter 19 of the Laws of Uganda, 2023	Provides for the criminal jurisdiction of Magistrates Courts, institution of criminal proceedings, the conduct of criminal trials in the Magistrates Courts including, grant of bail, plea taking, representation of accused persons and sentencing. It makes provision for trial of minors and persons with mental disability.
	Penal Code Act	Chapter 128 of the Laws of Uganda, 2023	The code classifies and spells out various offences and the defenses to offences.

5.	The Criminal Procedure Code Act	Chapter 122 of the Laws of Uganda, 2023	The Act provides for procedure followed in criminal cases including the conduct of arrests and searches of suspects, production of suspects before courts of law and the roles that the police and the court play in the process.
6.	Prisons Act	Chapter 325 of the Laws of Uganda, 2023	Establishes the Uganda Prisons Service, defines the role of the service, deals with procedures of imprisonment as well the rights of prisoners and the rights and duties of prisons staff.
7.	Prevention and Prohibition of Torture Act	Chapter 100 of the Laws of Uganda, 2023	Prevents and prohibits torture and makes provision for holding those responsible for torture accountable as well as providing remedies and rehabilitation for victims.
8.	Human Rights (Enforcement) Act	Chapter 12 of the Laws of Uganda, 2023	The Act provides for the procedure of commencing and prosecuting human rights enforcement suits. It also provides for the nullifying of suits arising from violating non-derogable rights of an accused person and the unconditional release by courts of persons that are unreasonably detained in the criminal justice system.
8.	Poor Persons Defence Act	Chapter 22 of Laws of Uganda, 2023	Provides for the provision of legal aid at the expense of the state to poor persons undergoing trial in the high court.

9.	The Advocates (Legal Aid to Indigent Persons) Regulations,	Statutory Instrument No. 12 of 2007	Provides for statutory registration of Legal Aid Service Providers, care of legal aid clients, the nature of legal aid services an advocate may provide as well as the eligibility and assessment of legal aid clients.
10.	Mental Health Act	Chapter 308 of the Laws of Uganda, 2023	Makes provision for dealing with persons with mental illness. It includes provisions on procedures to be followed when dealing with prisoners with mental illness.
11.	Domestic Violence Act	Chapter 123 of the Laws of Uganda, 2023	Prohibits domestic violence, provides for punishment of perpetrators and measures to protect victims.
12.	Anti-Money Laundering Act, 2013	Chapter 118 of the Laws of Uganda, 2023	Prohibits and prevents money laundering and establishes the Financial Intelligence Authority and a Financial Intelligence Authority Board
13.	Judicature (Legal Representation at the Expense of the State) Rules	Statutory Instrument 2022 No. 55.	Makes provision for state funded legal aid for certain offenders and defines modalities for this.
14.	The Narcotic Drugs and Psychotropic Substances (Control) Act	Chapter 37 of the Laws of Uganda, 2023	Regulates the use of narcotics and psychotropic substances and punishes various offences in this regard.
15.	The Constitution (Bail Guidelines of Courts of Judicature) (Practice) Directives	Legal Notice 8 of 2022	The practice directives guide courts on considerations that should guide grant of bail and conditions for the same.

16.	The Judicature (Plea Bargain) Rules	Statutory Instrument 2016 No. 43.	These guide the criminal justice system, the accused and prosecution in consultation with the victim to have orderly, predictable, uniform, consistent and timely resolution of criminal matters.
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Note: Discussions should be had regarding the steps that should be taken to secure bail for persons facing trial. It is important for the facilitator to detail the bail requirements and how accused persons can be supported to meet these. The special challenges faced in getting bail for persons facing trial for extremist violent and organised crime should be discussed. Reference in this regard should be made to Chapter 8 of the Handbook.

Article 23(6) of the Constitution:

Where a person is arrested in respect of a criminal offence

- (a) the person is entitled to apply to the court to be released on bail, and the court may grant that person bail on such conditions as the court considers reasonable;*
- (a) in the case of an offence which is triable by the High Court as well as by a subordinate court, if that person has been remanded in custody in respect of the offence for sixty days before trial, that person shall be released on bail on such conditions as the court considers reasonable;*
- (a) in the case of an offence triable only by the High Court, if that person has been remanded in custody for one hundred and eighty days before the case is committed to the High Court, that person shall be released on bail on such conditions as the court considers reasonable.*

Action:

- ◇ With respect bail at the High Court, a legal aid service provider should liaise with the Officer in charge of the prison or the prisons medical officer to have the accused person examined for any exceptional circumstances to prove his or her case.
 - ◇ A legal aid service provider should liaise with the prison or police authorities to enable to the accused person to access his or her relatives either by telephone communication or an authorized visit.
 - ◇ A legal aid service provider should talk to potential sureties of the accused and inform of their obligations and what to expect through the court processes.
 - ◇ Legal aid service provider should not stand surety for a client. This is unprofessional.
- (i) The Police Act, Cap 303

24. Arrest as preventive action

(1) ...

(4) Any person so arrested or any other person on his or her behalf who has reason to believe that any person is being unlawfully detained under this section may apply to a magistrate to have such person released with or without security.

25. Disposal of a person arrested by a police officer.

(1) A police officer on arresting a suspect without a warrant shall produce the suspect so arrested before a magistrate's court within forty-eight hours unless earlier released on bond.

(2) Subsection (1) shall not apply to a person who is arrested in one police area and is not to be questioned within the area in which he or she was arrested until he or she is transferred to the area where the offence was committed within seven days.

(3) If subsections (1) and (2) are not being complied with, any person may apply to the magistrate within twenty-four hours who shall order his or her release unless charged.

Note: At this juncture, the facilitator should discuss with the participants the different actions that legal aid service providers could take where rights have been violated at arrest or during police detention. The action proposed under the Handbook could be the basis of the discussion.

Action: Approach the person who has effected the arrest or under whose detention the client is and inquire to know the reason for the arrest in case of an offence, the offence for which the arrest has been effected.

- ◇ It is important for legal aid service providers to assess the situation before confronting a mob. In some cases, the mob can associate the legal aid service provider with the suspect and can bundle them together. Do not attempt to rescue the suspect physically where it is clear you can be overpowered by the mob.
- ◇ If the mob appears charged and not willing to listen, it is better to call the police to rescue the suspect from the mob. This should be done hastily as any delays may result into death.
- ◇ Local leaders, including Local Council leaders and other opinion leaders, including politician and religious leaders can be approached to convince the mob to desist from assaulting or killing the suspect and instead handover the suspect to police.

Note : It is common for the military to arrest private citizens and for offences other than those outlined above or under the law as prescribed above. Sometimes, the arrests are effected by plain clothed soldiers and persons conveyed in unmarked vehicles. The arrested persons may be detained in un-gazetted places and their location not disclosed.

Action:

- ◇ Get as much information as possible from witnesses of the arrest, including the following:
 - *Time and place of arrest*
 - *Description of persons effecting arrest*
 - *Language spoken by arresting persons*
 - *Whether or not they carried fire-arms*
 - *Description of vehicle used as much as possible*
 - *Whether victim was assaulted*
 - *Any information left behind*

- ◇ Report incident to police. Give as much information as possible to the police and be sure to get a reference number.
- ◇ Check with as many police stations in the area as is possible to establish whether the person is being detained there.
- ◇ Establish constant contact with relatives and monitor any evidence or leads emerging. These can be shared with the police.
- ◇ If person is traced, follow-up to ensure they are produced in court within 48 hours.
- ◇ If within two to five days, victim cannot be located or police is not helping as much as it should, consider filing a suit in court for habeas corpus. This is a suit through which court can compel the state to produce before court any person under its detention.

(iii) Provisions on legal aid

- (a) Poor Persons Defence Act, Cap 20

3. Provision of legal aid

Where it is appears for any reason that is is desirable, in the interests of justice, that a prisoner should have legal aid in the preparation and conduct of his or her defence at his or her trial and that the means of the prisoner are insufficient to enable his or her to obtain such aid—

- (a) a certifying officer at any time after reading the summary of the case submitted; or
- (b) a certifying officer at any time after reading the summary of the case submitted at committal proceedings may certify that the prisoner ought to have the legal aid, and if an indictment is filed against the prisoner and it is possible to procure an advocate, the prisoner shall be entitled to have an advocate assigned to him or her.
- (c) The Advocates (Legal Aid to Indigent Persons) Regulations, 2007

(iv) Laws and remedies in respect of torture

- (a) Article 24 of the Constitution: No person shall be subjected to any form of torture or cruel, inhumane or degrading treatment or punishment
- (b) See The Prevention and Prohibition of Torture Act (No. 3 of 2012) for a

definition of torture – section 2.

- (c) The Prevention and Prohibition of Torture Act in sections 3 and 4 prohibits and criminalises torture.
- (d) The Act in section 5 gives circumstances that aggravate torture, whose punishment is put at life imprisonment.
- (e) The Prisons Act (No. 17 of 2006) also has provisions on torture
 - *Tortured persons not to be admitted to prison – section 58(3)*
 - *Prohibition of torture – section 81(2).*
 - *Prisoners have right to be treated with dignity – section 57(a).*

Note: It is important for the facilitator to discuss the remedies available for victims of torture and the procedures for accessing the same.

- (f) Making complaint – section 11 of the Prevention and Prohibition of Torture Act. Complaint can be made to the following bodies:
 - *Police*
 - *Uganda Human Rights Commission*
 - *Other relevant body*
- (g) Under section 6 of the Prevention and Prohibition of Torture Act, the following remedies are available:
 - *Restitution*
 - *Compensation*
 - *Rehabilitation*
- (h) The procedure of private prosecution as legislated in section 12 of the Act should be discussed. The challenges of using this procedure should also be discussed.

12. Institution of criminal proceedings

(1) ...

(2) Any person, other than a public prosecutor or a police officer who has reasonable and probable cause to believe that an offence has been committed by any person under this Act, may make a complaint of the alleged offence to a magistrate who has jurisdiction to try or inquire into the alleged offence, or within the local limits of whose jurisdiction the accused person is alleged to reside or be

2.4.4 Methodology

- ◇ Lecture presentation
- ◇ Brainstorming session
- ◇ Discussion of case-studies.

Case-study – Prosecution of Police Chief

In 2016, Opposition leader of a country called Maleku, was released on bail amidst political tensions. To manage possible public demonstrations, the Police and the Army deployed heavily to prevent any gatherings. Persons trying to gather were roughed up. Many were severely beaten. Victims included innocent persons going about their businesses. Images on television showed many innocent persons being beaten. This included a pregnant woman who was beaten while crossing a road around Kalerwe market. The following day, the Chief of Police at the time, held a press conference at which he confirmed that the beating was done following official instructions. He revealed that this was the new approach the Police was going to use to manage rowdy people. After a few days, lawyers filed a private complaint for prosecution of Kale Kayihura and 4 other senior police officers. The lawyers were acting for victims who also made sworn statements confirming the torture. After days of forth and backward action, the Summons inviting the accused to court were published in a newspaper. The matter dominated public discourse in all forms of media. However, Police Chief acted quickly, filing a case in the Constitutional Court challenging the prosecution as unconstitutional. The Director of Public Prosecutions also took over the case but never proceeded with it. In the days which followed the publication of the summons, security officers managing public demonstrations were seen acting in a somewhat restrained manner. In August 2016, the victims held a press conference and told the public that they had been bribed to make false allegations of torture. They did not however furnish any evidence. In 2021, the Constitutional Court ruled that the private prosecution did not infringe any provisions of the Constitution. To-date, however, the case has never been prosecuted.

Questions for discussion:

- (i) Was the decision to file a private criminal case reasonable?
- (ii) Are there any benefits that were registered by the case?
- (iii) Why did not the case not yield much?
- (iv) Is it possible to revive the case?
- (v) Remedies and procedures under Prisons Act, No. 17 of 2006
 - (a) Discussion of remedies and procedures under the Act should be preceded with discussion of the rights of prisoners as guaranteed by the Act in section 57:
 - *Right to be treated with dignity and value as human being*
 - *Freedom from discrimination*
 - *Freedom of worship*
 - *Right to take part in cultural activities and education*
 - *Right to undertake remunerated employment*
 - *Right to access health care services*
 - *Rights of female prisoners*
 - *Female prisoners and prisoners with infants*
 - *Prisoners with disabilities*
 - *Prisoners with special health needs*
 - (b) The procedures provided for making complaints and seeking remedies under the Act should be discussed
 - *Prisoners provided with information on making complaints – section 58(5)*
 - *Opportunity each week to make complaints – section 71(1)*
 - *Prisoner can complaint to Inspector of Prisoners – section 71(2)*
 - *Prisoner can complain to Commissioner General or to judicial authority – section 71(3)*
 - *Prisoner can petition President – section 72*
 - *Prisoner can complain to a Visiting Justice – section 110.*

Emphasis should be put on the following actions that a provider could take:

- ◇ Welfare related challenges, unless they are extreme, can be handled at the level of the prison administration. However, if systematic, Prison Headquarters could be involved
- ◇ Legal service providers can work with the Visiting Justice of a particular prison to raise issues of concern and have the prison authorities engaged.
- ◇ Cases of violation of welfare rights can be reported to the Human Rights Committee of the prison where one exists.
- ◇ It is important to ensure that visitation rights are being respected.
- ◇ Important to ensure that prisoners are getting the medical attention they need. Special measures should be taken to ensure that prisoners with HIV/AIDS will continue receiving treatment.

(iii) Remedies under the Human Rights (Enforcement) Act, 2019

- ◇ The Human Rights (Enforcement) Act is a key instrument for the enforcement of human rights and getting remedies for victims of violations and abuses.

An Act to give effect to article 50 (4) of the Constitution by providing for the procedure of enforcing human rights under Chapter Four of the Constitution; and for related matters.

- ◇ Act makes provision for enforcement of human rights in courts by victims of violations and abuses.
- ◇ The procedures for the enforcement of the rights and remedies available should be presented and discussed. Key question should be one of how these could be used to address violations affecting prisoners and ex-prisoners.

Case-study – Madeli

Madeli was arrested on suspicion of having committed a highway robbery using a gun. His cellphone was found at the scene of crime. Although he admitted the phone was his, he argued that it had been stolen from him three months before the robbery incident. He could not however prove this since he did not report the matter to police and never approached the telecom company to block the simcard. Madeli was on 7th March 2023 remanded to prison to await trial and has been sitting there since. The date of the trial has not been determined. During his arrest, Madeli informed the police officers that he was HIV-positive and was using ARVs, which he picks every month from the health care centre close to his house. That his doctor who has his history for the last 8 years examines him every month and determines the regiment of ARVs he should use. Unfortunately, Madeli was not allowed to go home and pick his ARVs. During his detention at the Police, he was not given the opportunity to see his relatives, which opportunity he could have used to retrieve his medication. On being remanded, his request to access the medicines was never addressed by the Magistrate, who simply said the prison authorities will handle that. Although Madeli has been accessing ARVs from the prison clinic, the regiment he is getting does not seem to be compatible with his body. He has lost a lot of weight and is always down with fever, running stomach and chest pain. The quality and frequency of meals in the prison has made matters worse. The prison can only afford one meal a day, yet many times the food is too little to be sufficient for everyone. The prison is overcrowded and has limited sleeping space. Prisoners sleep in shifts. Only those who are able to pay a monthly fee of UGX 20,000 to the prison prefects get their own sleeping space. Since his remand, Madeli has not had the opportunity to be visited by relatives and friends and does not have means of communicating with them. Also, his lawyer abandoned him because he could not afford to pay him. Madeli's health condition is worrying and he is slowly losing it mentally.

Questions

- (i) Identify Madeli's rights which have been violated
- (ii) How best Madeli's problem be addressed.

Essential reading

Justice Centers Uganda **The Rights of Prisoners**

Ebad Rouhi, Leila Raisi Dezaki and Mahmoud Jalali "Protection of Prisoner's Human Rights in Prisons through the Guidelines of Rule of Law (2017) 10 Journal of Politics and Law pp 71 – 83.

SESSION V

2.4 Rehabilitation and Reform of Prisoners

Imprisonment is designed to sever a number of purposes, including punishing an offender to determine him or her as well as others from committing a similar offence. In addition, imprisonment serves a retributive effect by giving victims of crime the satisfaction that those responsible for their suffering are being punished. To these objects one could add rehabilitation. According to the United Nations, imprisonment should not be limited to the deprivation of liberty. That in addition it should include opportunities for prisoners to obtain knowledge and skills. This is because these skills and knowledge can assist them in their successful reintegration upon release.⁵ “Rehabilitation” are all those steps intended to make the prisoner a better person. Rehabilitation may take the following forms: Medical and psychological treatment; counselling and cognitive-behavioural programmes; education and vocational training; and work. Based on this, it is important for legal aid service providers to devise means of supporting the rehabilitation of prisoners they interact with. This session is intended to provide guidance on how this could be done.

2.4.4 Purpose of session

The purpose of this session is to introduce participants to the concept of rehabilitation to enable them understand its purpose. This in addition to how legal service providers can support the rehabilitation of prisoners. Special attention should be given to the rehabilitation needs of extremist and violence crimes offenders.

⁵ *United Nations Office on Drugs and Crime Roadmap for the Development of Prison-based Rehabilitation Programmes, Article 10(3).*

2.4.5 Objectives and outcomes of session

The main objective of the session is to equip participants with knowledge and skills they can use to support the rehabilitation of prisoners. By the end of the session, it is expected that:

- (i) Participants are able to define rehabilitation and explain its purpose;
- (ii) Participants can explain the different rehabilitation programmes and how they are implemented in prison as well as the challenges they face; and
- (iii) Participants are able to detail the role of legal service providers in supporting the rehabilitation of prisoners.

2.4.5 Content

- (i) Definition of rehabilitation and its place in the criminal justice system

United Nations Office on Drugs and Crime

Roadmap for the Development of Prison-based Rehabilitation Programmes

Criminal Justice Handbook Series (2017)

International law stipulates that imprisonment should not be limited to the deprivation of liberty alone. Rather, it should include opportunities for prisoners to obtain knowledge and skills that can assist them in their successful reintegration upon release, with a view of avoiding future offending. As imprisonment, in itself, is incapable of addressing prisoners' social reintegration issues, the International Covenant for Civil and Political Rights (ICCPR) requires that "the penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation" [Article 10(3).]

- (ii) Objectives of rehabilitation
- (iii) Form and types of rehabilitation programmes
 - *Physical health care*
 - *Mental health and psychological support*
 - *Substance abuse treatment*

- *Addressing behaviour and attitudes*
- *Education and vocational training*
- *Work experience*
- (iv) Rehabilitation, psycho-social needs and counselling
- (v) Rehabilitation under the Uganda criminal justice system
 - *Education and schooling*
 - *Vocational skills programmes*
 - *Farming*

Note: The instructor should explain how each of these works and has been used, as well as its effectiveness.

- ◇ Education was introduced in 2000. Luzira prison has all levels of education, from Primary to University levels.
- ◇ Most prisons have vocational programmes, including carpentry especially for male prisoners. Some women prisons have programmes on beautification saloon skillings.
- ◇ Farming is common in most prisons in Uganda. It is questioned though whether it is a rehabilitation programme per se.

**** The effectiveness of farming as a form of rehabilitation should be discussed.

- (vi) Community service
- (vii) Rehabilitation programmes in prison and challenges faced.

While discussing challenges to rehabilitation, Lin notes that, the prison environment is bound by the problem of keeping order. Thus, social programs intended for rehabilitation often disrupt routines and therefore threaten the sense of order in prisons. Because of this, he argues, most prison programs become subverted in ways that keep them from being rehabilitative. They are used as a way to keep prisoners occupied and become more focussed on making money for the institution, and less as opportunities to obtain skills. Consequently, Lin observes, work is often made mandatory for prisoners, sometimes against their will, which is against the reigning philosophy of rehabilitation that emphasises prisoners should 'want to be rehabilitated' and therefore their participation should be

voluntary participation.

Rebecca Sanyu Prisoner Rehabilitation in the Uganda Prison Service LLM Thesis, University College Cork (2014)

(viii) (Role of legal service providers in rehabilitation.

Note: The facilitator should discuss the following roles:

- ◇ Legal service providers should appreciate the importance of rehabilitation and ensure that prisoners are supported in this regard.
- ◇ It is important for prison authorities to understand the peculiarities of the individual prisoner to determine how best they could benefit from rehabilitation. Service providers could therefore engage the prison authorities to help them understand the prisoners.
- ◇ It is important for prisoners to be supported to stay in contact with their families and for the latter to provide support for rehabilitation purposes. For this reason, legal service providers secure the rights of prisoners to contact and to be visited by their family members and friends.

2.5 Methodology

The session will be facilitated through a guest lecture from a prisons officer conversant with the rehabilitation of prisoners. This could be complimented by a presentation of a CSO person involved in rehabilitation as well as someone involved with managing community service. Also, an ex-prisoner should be identified to share their experiences as far as prison rehabilitation is concerned.

Duration 1hr 30mins

Essential reading

Rebecca Sanyu Prisoner Rehabilitation in the Uganda Prison Service LLM Thesis, University College Cork (2014), available at <https://www.grin.com/document/322664?lang=en>

SESSION VI

2.6 Ex-prisoners and Re-integration

One of the challenges ex-prisoners face on release is re-integrating back into the community. This is because of the stereotype associated with crime and the perceptions which the community has about prisoners. It is the responsibility of the criminal justice system to build systems that enable the re-integration of prisoners. Integration has been defined as the process of integrating socially and psychologically into one's social environment.⁶ Re-integration helps to deal with the problem of recidivism. This is to the extent that it enables ex-prisoners to integrate in society and live a normal life away from crime. Overall, re-integration has been viewed as a strategy for crime reduction.⁷ This is especially for ex-prisoners who have served time for extremist violent and organised crimes. These prisoners usually face challenges being accepted by society and in response resort to living a life of crime. It is therefore important for legal aid service providers to support re-integration.

2.6.1 Purpose of session

The purpose of this session is to introduce participants to the concept of re-integration, its relevance and how effectively it can be done. Experiences of re-integration from ex-prisoners focusing on their successes and challenges will be discussed.

2.6.2 Objective and outcomes of session

The objective of the session is to enable participants understand the importance of re-integration to ex-prisoners, the challenges they face and how effectively this could be achieved. Learning will among others be achieved through having ex-prisoners share their stories. In addition, the

⁶ *United Nations Office on Drugs and Crime Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders, Criminal Justice Handbook Series (2012), pp 5 – 6.*

⁷ *Lukas Muntingh "Tackling Recidivism What is needed for successful offender reintegration" (2002) 11 Track Two pp 20 – 24, at p 21.*

session is intended to help participants understand their role in supporting ex-prisoners re-integrate as part of the provision of holistic legal aid services. At the end of the session, participants should be able to:

- (i) Explain re-integration and its relevance in the criminal justice system;
- (ii) List and discuss the challenges which ex-prisoners face as far as re-integration is concerned; and
- (iii) Determine the role which legal service providers play in facilitating re-integration and how to support ex-prisoners overcome challenges they face.

2.6.3 Duration 1hr 30mins

1.7. Content

- (i) Defining re-integration and its relevance

A. What is social (re)integration?

Social integration refers to the process of integrating socially and psychologically into one's social environment. However, in the fields of crime prevention and criminal justice, where it is frequently used, the term refers more specifically to various forms of intervention and programme targeting individuals to prevent them from becoming involved in criminal behaviour or, for those who are already in conflict with the law, to reduce the likelihood that they will reoffend. Social integration interventions are therefore attempts by various components of the justice system, in partnership with social agencies, NGOs, educational institutions, communities and the offenders' family, to support the successful social integration of individuals at risk of offending or reoffending.

United Nations Office on Drugs and Crime *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders*, Criminal Justice Handbook Series (2012), pp 5 – 6.

- (ii) Forms and programmes of re-integration
- (iii) Social and community structures that enable and inhibit re-integration
- (iv) Re-integration through community service explained
- (v) Mapping community attitudes towards ex-prisoner
- (vi) Addressing livelihood needs.
- (vii) Designing re-integration programmes

3. Programme design

The following lessons have been found to be key in developing successful programmes:

- *Set achievable and realistic goals and expectations*
- *Have a clear theoretical model and articulation of the programme logic*
- *Set precise criteria for eligibility to the programme (targets)*
- *Pay attention to implementation and delivery difficulties*
- *Ensure that the necessary human and financial resources are available*
- *Monitor and evaluate*
- *Maintain the confidence of practitioners, police, judges and local communities*
- *Involve the community*
- *Consult with the beneficiaries*

United Nations Office on Drugs and Crime Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders, Criminal Justice Handbook Series (2012), p 24

2.7.1 Methodology

- ◇ Short presentation on concept of re-integration
- ◇ Experience sharing from ex-prisoners
- ◇ Short video: **Alison Hannah on the Rehabilitation and Reintegration of Violent Extremist Prisoners** <https://www.youtube.com/watch?v=5-dkfq4jTCM>
- ◇ Group work to design a re-integration programme

Case-study

The case of Mante Mathias

Mr. Mante was charged and convicted of the offences of abuse of office and corruption. Following a plea bargaining process, he was sentenced to serve 60 days in Kibaale Prison. Mathias narrated how hard prison life was but indicating that he was consoled by the support he received from family members and friends through visitations and support provided for his welfare. According to Mathias, "I was also counselled by the Judge after convicting me. He asked me how much land I had and advised on how best I could use the same even after losing my job and after serving my time", said Mathias. On release, Mathias was warmly welcomed by family and the community. "My family organised a thanksgiving ceremony to thank God for my release. It was also a form of cleanse. Prayers were held at the function attended by family members, friends and community members". According to Mathias, he shared his experiences with the community and encouraged people to stay away from crime and avoid prison. After this, Mathias immediately embarked on his farming activities and is now engaged in piggery and is growing maize, bananas and coffee. Mathias's case is one of successful re-integration which came among others because of the support of family.

Questions

1. What was the impact of Mathias's prison experience on his –reintegration?
2. What factors explain the action of the community?
3. What role did religion play in enabling Mathias's reintegration?
4. What strategies would you have used had Mathias been rejected by the community?
5. What lessons do we learn from Mathias' case?

Group work

Facilitator should divide participants into small groups not exceeding 10 persons. Each group should design a reintegration programme based on the cases below. The design should be by the key lessons highlighted for successful reintegration.

Case 1: Peter was a committed church member that was well known to his local church where he served the ministry as a member of the church choir with a talent for playing guitars. Every Sunday, his touches on the strings sent the church goes into ecstasy. Unfortunately, things changed for Peter when he was accused of defiling Mary, a choir member and the assistant pastor's 17 year old daughter. The incident happened during a choir retreat. In court, Peter pleaded guilty but asked for a lenient sentence, arguing that the sexual act was consensual. He also said he was ready to marry Mary if released from prison. The incident had a negative effect on the Church community, with some members supporting Peter as innocent and blaming the girl "for tempting many boys and married men in Church". Others stood with the pastor and arguing that Mary was only a child that needs protection. Peter was sentenced to five year of imprisonment. He is due for release next month. On release, Peter will be 23 years old.

Case 2: Athieno is a mother of 3 children, all infants. Three years ago, Athieno got involved in a domestic fight with John the father of one of her children and the one she was staying with. John had a history of violence towards Athieno and the duo had on several occasions appeared before the LC1 chairperson for reconciliation. On many of those incidents, Athieno would be nursing injuries from beatings. Athieno could not have it any more. One day, while collecting water from the borehole, she was pulled aside by

two senior village women who everybody called the “Village Sengas”. The Sengas gave Athieno a crash self-defence course. One important lessons for Athieno was that she could defend herself by holding and squeezing so hard John’s private parts. One of the sengas said, “if you do this once, it will be a life lesson for John. He will never attack you again and after squeezing you can even do more”. When the chance came, Athieno did exactly what he was told and did it so hard that John fainted and was rushed to hospital. Unfortunately, John got a complication and passed on after two days. Athieno was charged with murder, but convicted of manslaughter. During her arrest, a village mob almost “finished her”, she was only rescued by the police after firing tear-gas. Athieno has not seen her children for the four years she has been in prison. She is due to be released in two months. Surkat, John’s brother, is the LC I chairperson of the village. Surkat has never got over the loss of his brother and still believes the court was so lenient towards Athieno. He always says, “this was a clear case for a death sentence – kalaba or firing squad”. Athieno will for sure not find her job as a cleaner at the local school and does not know how she will take care of herself and her children. She was recently told by a remandee that her children are struggling to survive and are only occasionally given food by well-wishers.

Case 3: Eweru is a serial criminal with several convictions of robbery. The community knows he very well and always protests his release from prison. His most recent conviction happened six years ago when he got 6 years for robbery using a gun and causing grievous bodily harm. His victim had his hand He is due for release in two months. This time, the disgusted community wants him dead.

A. Readings

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Narcotics and Psychotropic Substances (Control) Act, 2023

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Poor Persons Defence Act, Chapter 20 of Laws of Uganda

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Prisons Act, No. 17 of 2006.

The Advocates (Legal Aid to Indigent Persons) Regulations, Statutory Instrument No. 12 of 2007

Trial on Indictment Act, Chapter 23 of the Laws of Uganda

Uganda Human Rights Commission Act, Chapter 24 of Laws of Uganda

C. International Instruments

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International Covenant on Civil and Political Rights, GA Resolution 2200A (XXI) 16th December 1966

United Nations Convention on the Rights of the Child, GA Resolution 44/25 of 20th November 1989

African Charter on Human and Peoples Rights, adopted by the OAU, 27th June 1981.

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Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, GA Resolution 43/173, 9th December 1988

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Annex I:

Pre-training and post training assessment tool

1. Name [Optional]
2. Organisation [Optional]
3. Nature of legal aid services offered [Tick appropriate]
 - ◇ Family matters
 - ◇ Criminal defence
 - ◇ Juvenile justice
 - ◇ Land matters
4. For criminal defence, what kind of cases do you handle
 - ◇ Petty offences
 - ◇ Extremist violent crimes
 - ◇ Organised crime
 - ◇ All criminal matters
5. In your view, what are extremist violent and organised crimes
 - ◇ Crimes involving use of force
 - ◇ Crimes where a life is lost
 - ◇ Crimes where a huge sums of money is lost
 - ◇ Crimes involving professional criminals
 - ◇ Crimes threatening government
 - ◇ Crimes of passion
 - ◇ Crimes where force is required to arrest offender

6. If you do not handle extremist, violent and organised crime, what could the reason for this be:
 - ◇ Never get such clients
 - ◇ Our policy does not allow
 - ◇ It is not safe
 - ◇ It is too technical
7. What category of clients do you deal with?
 - ◇ Suspects in police
 - ◇ Accused persons applying for bail
 - ◇ Accused persons at trial
 - ◇ Convicted prisoners on appeal
 - ◇ Convicted persons serving time
 - ◇ Ex-prisoners outside prison
8. What does “holistic legal aid services” entail
 - ◇ Where legal services are provided to all people
 - ◇ Provision of legal aid services for all legal needs
 - ◇ Representing both offenders and victims
 - ◇ Addressing the legal as well as psycho-social and livelihood needs of client
 - ◇ Providing services at all stages from arrest to release from prison
9. What does rehabilitation in the criminal justice system mean?
 - ◇ Ensuring that offenders are clean all time
 - ◇ Equipping offenders with skills to help the prison authorities
 - ◇ Supporting offenders abandon crime
 - ◇ Providing counselling and psycho-social services
 - ◇ None of the above

10. What does re-integration of ex-prisoners mean

- ◇ Supporting ex-prisoners fit into society
- ◇ Early release of prisoners
- ◇ Getting ex-prisoners good jobs

11. List five ways of ensuring provision of holistic legal aid services to people in detention, prisoners and ex-prisoners

12. What is the likely impact of this training on your work

- ◇ Negligible
- ◇ Useful
- ◇ Significant
- ◇ None



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