



JUSTICE
ACCESS
POINT

**TOOL FOR MONITORING/
OBSERVING POLICE
DISCIPLINARY COURT TRIALS**

2023

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OBSERVING POLICE
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ACKNOWLEDGEMENT

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FOREWORD

Justice Access Point (JAP) is pleased to be part of this most crucial effort to enhance transparency and accountability in the handling of cases involving police officers (defaulters) with support from Open Society Foundation (OSF), JAP has championed the design of this tool. The tool will be utilized by the different stakeholders to monitor/observe police disciplinary court trials in Uganda. We hope this tool will be a valuable resource and useful to contributing to strengthening of civilian oversight and accountability of the security sector in Uganda.

INTRODUCTION

The tool for monitoring/observing police disciplinary court trials in Uganda will be utilized by many stakeholders to gather data on the trials of the police officers (defaulters) in the police disciplinary Courts. The tool contains of twelve (12) sections including the demographic characteristics of both the monitor and defaulter; the court, case, and judicial officers; procedures for conducting court; public hearing; the presumption of innocence; objectiveness and comprehensive evaluation of evidence by court; defence of oneself in person or through counsel; presence at trial; reasoned judgment; prompt appearance before court; independence & impartiality of the court.

TOOL FOR MONITORING/OBSERVING POLICE DISCIPLINARY COURT TRIALS

SECTION 1.0: GENERAL INSTRUCTIONS.

The user is required to make appropriate choices either on a nominal or Likert scale. The Likert scale used measures the extent to which the monitor agrees with the statement provided. (Strongly disagree = 1, Disagree = 2, Neither Disagree nor Agree = 3, Agree = 4, Strongly Agree = 5). Either way, the user should select and answer by ticking the most suitable box or provide information as may be required.

SECTION 2.0: DEMOGRAPHIC CHARACTERISTICS

1.0 DEMOGRAPHIC CHARACTERISTICS OF THE MONITOR

1.1 Name of the monitor		
1.2 Age	<input type="checkbox"/> 18-29 <input type="checkbox"/> 30-40 <input type="checkbox"/> 40-50 <input type="checkbox"/> 60 and above	
1.3 Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	
1.4 Education	<input type="checkbox"/> Primary <input type="checkbox"/> Secondary <input type="checkbox"/> Tertiary <input type="checkbox"/> University	
1.5 Date and time of the observation	DD/MM/YY	Time
1.6 Other observers attending the court		

DEMOGRAPHIC CHARACTERISTICS OF THE DEFAULTER		
2.1 Name and rank of the defaulter/s:	Name	Rank
		<input type="checkbox"/> Senior officer <input type="checkbox"/> Middle Range officer <input type="checkbox"/> Rank and File
2.2 Gender of the defaulter/s:	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Others	
2.3 Age of the defaulter/s:	<input type="checkbox"/> 18-29 <input type="checkbox"/> 30-40 <input type="checkbox"/> 40-50 <input type="checkbox"/> 60 and above	
2.4 Description of legal qualification of the alleged offence committed by the defaulter/s under the code of conduct as alleged by the prosecution		
2.5 Source of the complaint	<input type="checkbox"/> The defaulter(s) supervisor <input type="checkbox"/> Professional Standards Unit <input type="checkbox"/> Media <input type="checkbox"/> Others (specify)	
2.6 Physical condition of the defendant	<input type="checkbox"/> Tortured <input type="checkbox"/> Sick and frail <input type="checkbox"/> Good state with sound mind	
2.7 Defaulter's Police Unit of attachment	<input type="checkbox"/> Criminal Investigation <input type="checkbox"/> Field Force <input type="checkbox"/> Traffic <input type="checkbox"/> Fire <input type="checkbox"/> Operations <input type="checkbox"/> General duties <input type="checkbox"/> Others (specify)	

SECTION 3.0: THE COURT, CASE, AND JUDICIAL OFFICERS

3.1 Name of the court where the case is tried:	<input type="checkbox"/> Police Authority Court <input type="checkbox"/> Police council appeal court <input type="checkbox"/> Police headquarter Standby court <input type="checkbox"/> Regional police disciplinary court <input type="checkbox"/> Subordinate police disciplinary court		
3.2 Name and rank of the Chairperson and members of the bench hearing the case:	Chairperson	Rank	Members of the bench
		<input type="checkbox"/> Senior officer <input type="checkbox"/> Gazetted Officers <input type="checkbox"/> NCOs <input type="checkbox"/> Constables <input type="checkbox"/> All Members	
3.3 Name and rank of the prosecutor:	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5		
3.4 Name of Member of the bench	Members of the bench	Rank	
	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	<input type="checkbox"/> Senior officer <input type="checkbox"/> Gazetted Officers <input type="checkbox"/> NCOs <input type="checkbox"/> Constables <input type="checkbox"/> All Members	
3.5 Name and contact details (if any) of the defence council			

SECTION 4.0: PROCEDURES FOR CONDUCTING COURT

Note: Please leave the correct answer and or write your additional remarks in the answer boxes; Mark N/A in the box if given question is not applicable to the hearing.

<p>4.1 The manner in which the bench and prosecution handled the case/s was in line with established standards of fair trial</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Strongly disagree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly agree
<p>4.2 What aspects of fair trial were violated during the court process? Select any or all that apply.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Independence and Impartiality during the court process <input type="checkbox"/> Presumption of innocence <input type="checkbox"/> Information on the nature of the offence and cause of the accusation <input type="checkbox"/> Trial with undue delay <input type="checkbox"/> Examination of witness <input type="checkbox"/> Assistance with an interpreter <input type="checkbox"/> Presence of the accused at the trial <input type="checkbox"/> Not compelling the accused to testify against themselves or confess guilt
<p>4.3 Were there any concerns raised by the defendants about the court process? If yes, what were the concerns?</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>SECTION 5.0: PUBLIC HEARING</p>	
<p>5.1 The court conducted its business publicly</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Strongly disagree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither disagree nor agree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly agree

<p>5.2 Were there any barriers/restrictions to accessing court hearing? If YES, indicate how you gained access to the court premise</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Permission from IGP <input type="checkbox"/> Permission from the RPC <input type="checkbox"/> Permission from DPC <input type="checkbox"/> Permission from Chairperson of the court <input type="checkbox"/> Registered as visitor and entered the court room <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>5.3 In the event the court decided to try the case in a closed hearing, what were the legal grounds for the decision?</p>	
<p>SECTION 6.0: THE PRESUMPTION OF INNOCENCE</p>	
<p>Note: For the questions pertaining to information on defendant's rights, specify whether the responses were provided orally and in writing, whether explanation was given in a simple, full and understandable manner and whether the defendants age, maturity level, mental and physical conditions were considered</p>	
<p>6.1 The manner in which the bench and prosecution discharged their role upheld the principle of presumption of innocence</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Strongly disagree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither disagree nor agree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly agree
<p>6.2 Based on your assessment, clearly indicate how the defaulter/s right to be presumed innocent while before court were upheld or abused</p>	

SECTION 7.0: OBJECTIVENESS AND COMPREHENSIVE EVALUATION OF EVIDENCE BY COURT	
7.1 The prosecution and the bench undertook a comprehensive evaluation of evidence against the defendant during court process	<input type="checkbox"/> Strongly disagree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither disagree nor agree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly agree
7.2 Please indicate whether any evidence was rejected and for what reasons	
SECTION 8.0: DEFENCE OF ONESELF IN PERSON OR THROUGH COUNSEL	
8.1 The defendant had the opportunity to defend oneself or through his/her counsel	<input type="checkbox"/> Strongly disagree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree or disagree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly agree
8.2 In the event the defendant had legal representation, state how it happened and how he acquired the counsel.	
SECTION 9.0: PRESENCE AT TRIAL	
9.1 Satisfactory arrangements were made to produce the defaulter in court	<input type="checkbox"/> Strongly disagree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree or disagree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly agree
9.2 In which form did the defaulter/s appear in court the court process?	<input type="checkbox"/> Physical <input type="checkbox"/> Technology mediated

<p>9.3 In case the defaulter was absent, state circumstances under which it happened</p>	
<p>SECTION 10.0: REASONED JUDGMENT</p>	
<p>10.1 The defaulter/s was accorded reasoned judgement</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Strongly disagree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither disagree or agree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly agree
<p>10.2 In what format was the ruling delivered</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Orally <input type="checkbox"/> Written <input type="checkbox"/> Both
<p>SECTION 11: PROMPT APPEARANCE BEFORE COURT</p>	
<p>11.1 The defaulter was brought promptly before court to defend himself/herself</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Strongly disagree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither disagree or agree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly agree
<p>11.2 For how long has the police officer been on bond</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 24 hours <input type="checkbox"/> 48 hours <input type="checkbox"/> 7 days <input type="checkbox"/> 14 days <input type="checkbox"/> Others (specify)
<p>11.3 How long did it take for the defendant to be brought before court from the time of arrest?</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 24 hours <input type="checkbox"/> 48 hours <input type="checkbox"/> 7 days <input type="checkbox"/> 14 days <input type="checkbox"/> Others (specify)
<p>SECTION 12.0: INDEPENDENCE & IMPARTIALITY OF THE COURT</p>	
<p>12.1 The court was independent and impartial in all proceedings observed</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Strongly disagree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly agree

<p>12.2 Specify whether the following relate to any of the former prosecutor, legal representative, or member of court</p>	<ul style="list-style-type: none"> <input type="checkbox"/> A former prosecutor or legal representative sits or has sat as member of court in the case in which he/she prosecuted or represented a party in the case <input type="checkbox"/> A member of court secretly participated in the investigation of the case <input type="checkbox"/> A member of court has a connection with the case or a party to the case <input type="checkbox"/> A member of court sits as a member of an appeal tribunal in a case which he/she decided or participated in a lower judicial court.
<p>12.3 State the sanctions applied by court to the defendant (s). Select any or all that apply.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Dismissal <input type="checkbox"/> Discharge since the police officer has ceased to be or is likely to become inefficient <input type="checkbox"/> Demotion or reduction in rank <input type="checkbox"/> Stoppage, withholding or deferment of increment in salary scale. <input type="checkbox"/> Fine to the defaulter <input type="checkbox"/> Recovery of costs for loss or damage caused <input type="checkbox"/> Confinement to residence or barracks. <input type="checkbox"/> Severe reprimand <input type="checkbox"/> Reprimand
<p>12.4 Opening and closing time of the hearing:</p>	<p>Opening time</p>

REFERENCES

1. Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers
 2. Trial Monitoring: A Reference Manual for Practitioners ODIHR: Revised edition 2012
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