

**THE CONTRIBUTIONS OF UGANDA POLICE IN THE OBSERVANCE OF HUMAN  
RIGHTS;**

**A CASE STUDY OF THE RIGHT TO POLICE BOND, IN KAMPALA**

**BY**

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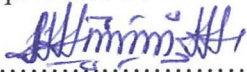
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### DECLARATION

I Alani Isaac declare that the entire work in this proposal has been purely out of my efforts and the exercises therefore I did not copy it from any source and it has not been presented to any institution for any award of diploma in law



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Date: 29/10/2015

### APPROVAL

This is to certify that Alani Isaac had carried this dissertation under my close supervision and guidance.

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## **DEDICATION**

I dedicate this dissertation to my lovely family of Joel Patrick Okullu(dad), Mrs. Molly Okullu(mum), Maxwell Otim, Aaron Opio, Nickolas Ochen(brothers), Lucky Akello, Dilis Adongo, Gloria Auma, Phoebe Aboke(sisters) and lastly to Nelson Ecam, Betty Ecam and friends, supervisor.

May the Almighty God bless you all, Amen!



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May the Almighty God bless you all abundantly. Amen!

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## CHAPTER ONE

### GENERAL INTRODUCTION

#### 1.1 Overview

This study is intended to investigate the challenges of respecting the right to a police bond and its bearing on the peace and security of the released suspect as well as of the community at large. Whereas the police bond protects the suspects' right to liberty, it creates problems not only to the offender but also to the offended. The police also sometimes get entangled in violent responses towards beneficiaries of the police bond.

#### 1.2 Background to the study

Peace has been a constant aspiration throughout the history of mankind and is undoubtedly a need of individuals and groups. The luarca declaration<sup>1</sup> holds that peace is not limited to the strict absence of armed conflict, but that has a positive meaning, with the aim to achieve the satisfaction of the basic needs of all human beings, the elimination of all kinds of violence and the effective respect for all human rights. The United Nations, in its Declaration on the Right of Peace that was approved by the General Assembly on November 12, 1984, proclaims that the peoples of our planet have a sacred right to peace and declares that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State.

The Luarca Declaration is an International instrument on peace and a product of Spanish academics and civil society, adopted in Luarca, Spain, on 30 October 2006 and officially presented to the United Nations Human Rights Council on 15 March 2007

Uganda has taken strides toward realization of a peaceful nation that respects human rights and the rule of law and the police force is very instrumental in this noble cause, although much still needs to be done. The police force, as established by the Uganda Constitution<sup>2</sup>, has an obligation to keep law and order as a prerequisite to achieving peace in the country. To be able to perform

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<sup>1</sup> The Luarca declaration is an international instrument on peace and a product of Spanish academics and several societies adopted in Luarca, Spain on the 30<sup>th</sup> October 2006 an officially presented to the united nations human rights council on 15<sup>th</sup> march 2007.

<sup>2</sup> The Constitution Republic of Uganda, 1995, article 211 and 212

their duties, the police have the mandate, by law, to arrest and detain persons who are suspected of actions that disrupt peace and ensuring that justice is delivered to both the offended and the offender by presenting the latter to courts of law after conclusion of investigations. In performing this duty, the police are required to respect the human rights and security not only of the offended but also of the suspects in and out of the cells. The right of the police bond is one such right that must be respected as granted by the constitution.

### **1.3 Statement of the problem**

The Uganda police faces challenges in respecting the human rights of the suspects and at the same time ensuring peace in the country; hence the need for an investigation into whether respecting the right to police to bond harms community peace.

### **1.4 Scope of the study**

Geographically, the study is limited to Nakawa division of Kampala district because this is also an area where a number of mob justice against offenders have been reported. In terms of content, the study was limited to police respects' right to a right to a police bond and the implication observance of this right has on peace in the community. The study is, therefore, in the area of peace and conflict.

### **1.5 Purpose of the study**

The general objective of this study is this study is to establish the effect of the challenges of the police respecting suspect' right to liberty through a police bond and ensuring peace in the community in Kampala district.

#### **1.5.1 Specific objectives of the study**

The objectives of this study are;

1. To analyze the law governing the right to police bond in Uganda.
2. To find out the attitudes of the community members towards the suspects released on police bond in Kampala district.
3. To establish the impact of conflict between the suspects' right to police bond and the maintenance of peace in the community in Kampala district.

### 1.5.2 Research Question

The study was guided by the following research questions:

1. Does police respect the suspects' right to police bond?
2. What are the attitudes of the people towards suspects released on police bond?
3. What are the effects of conflict of right on peace in the community?

### 1.6 Significance of the study

The provided information that will help the government, law makers {legislators}, police, community, Human Rights NGOs in their obligation to promote the respect of human rights in general and suspects right to police bond in particular. For the government and law makers. The findings of this study will enable the executive to consciously draft laws that put in consideration issues of peace. The findings of the study will, therefore, provide a basis for the review of the legal framework governing the respect to the right to the right to liberty.

For the police, the findings will go a long way to inform the operations of the force vis-à-vis the community response, hence forming a basis for changes in approach to issues related to respect of suspects' rights while considering what might be the reception of the actions by the community.

For the human rights NGOs, the study findings will provide a kind of baseline information for their programmed designs. The study provides them with areas where they could put emphasis.

### Definition of the key terms

**Peace** – Collins English Dictionary give various definitions of peace. It defines peace as the state of absence of war; state of harmony between individuals and groups; and as absence of violence and other disturbance. For purposes of this study, peace is freedom from public disturbances or disorder.

The human right to peace – The right to peace means entitlement to freedom from public disturbance or disorder. It is a natural entitlement to all human beings as proclaimed in the declaration on the Right of Peoples to Peace on November 12, 1984 that 'the peoples of our



planet have a sacred right to peace<sup>3</sup>. **Arrest** – Deprivation of liberty for purposes of compelling a person to appear in court to answer charge against him/her. This is a mandate of the police according to the constitution of Uganda.

**Suspect** – a person who is highly believed to be guilty of an offence but is not yet proved guilty.

**Police cell** – A room at a police station or post designated for confinement of suspects. When suspects are arrested by the police they are confined in a police cell in order not to mix with the public freely.

**Police bond** – an agreement between police and the accused person that once released, that person will appear before the police on a specified date and time. Police bond is an entitlement to all suspects in police custody. Therefore suspects are entitled to a police bond as a means of enjoyment of the right to liberty.

**Liberty** – the state of being free, unlimited and unconfined. For purposes of this study, liberty refers to being unconfined by the police.

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<sup>3</sup>See Declaration on the Right of Peoples to Peace: Approved by General Assembly resolution 39/11 November 12, 1984. Available at [http://www.wagingpeace.org/articles/0000/1984\\_declaration-people-peace.htm](http://www.wagingpeace.org/articles/0000/1984_declaration-people-peace.htm)

## **CHAPTER TWO:**

### **LITERATURE REVIEW:**

#### **2.1 Over view.**

This section presents a review of literature related to the study problem. Research and other scholarly works are reviewed for the purposes of identifying gaps in the existing body of knowledge. The literature is reviewed according to the specific objectives of the study. The available literature tends to show that police worldwide has engaged in the violation of suspects' rights but little is available about violation of the right to police bond. The literature also shows that action of the police as shaped community attitude towards the police force itself on the one hand and towards the suspects on the other hand.

#### **Police and the respect for suspects' right.**

There has been increased concern about state agencies being involved in human rights violation. More interest as in recent years been growing in the area of violation of rights of the suspects in custody. However, very few studies have so far been done and most of them have considered human rights generally and not the suspect's right to police bond. Even the few that have been done, especially in Uganda, have been limited in scope and methodology.

While reviewing literature, Uildrikset al<sup>4</sup> revealed that in some part of the world, police forces are known for the brutality with which they operate. In Kosovo r instance, the Serbian police functioned as a kind of parliamentary organization, responsible for numerous atrocities.

In countries such as Brazil and Mexico, the police are known for all kinds of gross human rights violation including endemic brutality, torture, extrajudicial killings, and disappearances.

Similarly, Tarkunde<sup>5</sup> in his study of police and human rights in Ghana, found out that the police were among the state agencies that highly violated the human rights of the suspects under custody. He revealed that police fail to register and investigate cases which have made the public

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<sup>4</sup> Uildriks, S., Neils, W., Reenen, J. & Piet Van. (2001). Human Rights Violations By the Police: Human Rights Review

<sup>5</sup> Tarkunde V.M. (2002). International Human Rights Standards: Guidelines for the worlds Police Officers. Police Quartelry. Vol. 5, No.2,206-221

to lose confidence in the police ability to do their work and as a result the public hesitate to cooperate or provide information to police.

Also, Zi Teng<sup>6</sup>, in his study of police violation of human rights in Hong Kong, discovered that there was gross violation of the rights of the suspects in police cells. The study also revealed that the most of the suspects stayed in police for more than the constitutionally accepted period without being produced before court. However, the study does not relate the right to a police bond to peace or public order.

The FHRI (2000) conducted field visits to numerous police stations in Uganda and discovered that every suspects had been held for over the statutory limitation. The same study found out that the reasons for prolonged detention in police custody were mainly lack of resources and bureaucracy which delayed the process of investigation. The FHRI study only depended on information from police officers and did not the community and the suspects, which this study included. Niels<sup>7</sup> and Piet van carried out a study in USA and found out that the police violated human rights especially in their execution of arrests where brutality and the use of excessive force were the commonest abuses. However the study focused on arrests and did not consider the violation of the suspects' right while at police cells which is the interest of this study. Uganda has not been an exception.

Ugandan security agencies have been implicated in torture and illegal detention of suspects. The FHRI conducted field visits to numerous police stations in Uganda and discovered that every suspect had been held for over the statutory limitation. The same study found out that the reasons for prolonged detention in police custody were mainly lack of resources and bureaucracy which delayed the process of investigation.

The FHRI<sup>8</sup> study only depended on information from police officers and did not involve the community and the suspects, which this study included. Also, the UHRC (2008) carried out visits to detention places in Uganda and found out that people were being detained at police cell for more than 48 hours. Such cases were recorded in upcountry stations where in some instances

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<sup>6</sup> Zi Teng.(2004).Action against police violation of human rights in Hong Kong.

<sup>7</sup> Neils.U.& Peit Van,R.(2001). Human Rights violations of human by the police: Human Rights Review.

<sup>8</sup> Foundation For Human Rights Initiative (FHRI), (2000). Right to Liberty and Security of person: The Human Rights Reporter 2000

people were kept for more than 10 days and on simple cases, giving reasons like lack of logistics which make it difficult for police to take suspects to court or to complete investigations as well as delays by the state attorneys to sanction the files. However, the survey reveals nothing about stations at the center and it is not clear whether such acts are not possible at the center.

The UHRC (2003) found out that torture continued to be a widespread practice amongst security organizations in Uganda. Ugandan security agencies have been implicated in torture and illegal detention of suspects and detaining suspects in non-gazetted places. However, it is clear that the study handled security forces in general and did not single out police which is the concern of this study.

Similarly, Bareebe<sup>9</sup>, (2009) made a survey of the human right violation cases reported to Human Rights Network(HURINET)<sup>10</sup> by use of the newly developed complaint form.

The survey revealed that total of 5,000 human rights violation and unprofessional conduct-related cases have been reported by individuals against the police force in one year. However, the study was basically a library research, which is secondary information unlike this study that aimed at obtaining and utilizing primary data.

## **2.2 Community attitudes towards the released suspects.**

Studies have been done in the field of community attitudes towards released prisoners. Most of this studies have been done on prisoners who are released after serving their sentence and little has been done on attitudes towards released suspects.

Melvin<sup>11</sup> studied community attitudes towards released prisoners in Canada and revealed that the person engaged in prison rehabilitation or reform had positive attitude and scored highest on the scale while a community sample scored intermediate and law enforcement officers scored

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<sup>9</sup> Bareebe, G. (2009) 5,000 Human Rights Violation Cases Reported Against The Police: A document Analysis of Cases Reported to HURINET

<sup>10</sup> HURINET is a local rights body as develop a complaint form which given out to the public to help them officially register their complaint in case they are assaulted by the police

<sup>11</sup> Melvin. E. (1985). Community attitudes towards ex-prisoners in Quebec. Journal of Criminal Justice, Vol 13:2, 311-317

lowest. However, the study dwelt on prisoners who have already served their sentence and not the suspects who have not faced justice.

Similarly, Clark<sup>12</sup> studied the emergence of victim –centered policing as an approach to reducing the effects of criminal victimization and discovered that the victims had a negative attitude toward delayed response in criminal justice. He identified the need to restructure policing practices to position the victim as a strategic focus for policing and advocate for transformation of policing strategies so as to operationalize the philosophy of victim-centered policing.

Although Clark's study made these important findings and recommendations, it was limited to victims of crime as the only participants. It did not seek the views of the suspects as well as that of the community members, which this study has targeted.

Boothby and Overduin<sup>13</sup>, examined attitudes of undergraduate students towards compassionate release of terminally ill prisoners in Canada and results indicate that undergraduate students have negative attitudes towards the prisoners because of being terminally ill. The study also found out that the students have negative attitudes towards compassionate release policy. Although the study shows the attitudes of the undergraduates towards the released prisoners, their attitudes were influenced by the type of illness for fear that the ex-prisoner would spread it.

The British crime survey of public confidence in police and the local councils conducted by Myhill and Beak<sup>14</sup> revealed that people who had suffered from crime in the last 12 months had a negative attitudes towards the offender and were less likely to agree that the police and local councils were dealing with anti-social behavior and crime in the local area than those who had

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<sup>12</sup> Clark, M. (2003). Victim-Centered Policing: The Shepherd's Solution to policing in the 21st Century. The police Journal, Vol:76:4:314-327

<sup>13</sup> Boothby, J.L and Overduin L. Y. (2007). Attitudes Regarding the compassionate release of terminally ill offenders. The Prison Journal, December 1, 2007;87(4): 408-415

<sup>14</sup>Myhill. A and Beak, K. (2008) Public confidence in the police. London: National Policing Improvement Agency. Retrieved from internet at [http://www.npia.police.uk/en/docs/public\\_confidence\\_in\\_the\\_police.pdf](http://www.npia.police.uk/en/docs/public_confidence_in_the_police.pdf) ISBN: 978 1 84726 899 0

not been a victim. However, the study does not consider the element of police bond and public attitudes towards it.

### **2.3 Impact of conflict of rights on public order.**

Not many studies have been done in this area and the few that have been done have been carried out in developed countries whose population may not have much in common with that of the developing countries like Uganda. Therefore such literature in this area has been largely futile.

Conklin<sup>15</sup> found out that the reaction of people to crime can reinforce and exacerbate the crime problem. He contends that the public's perceptions of crime and criminals and the consequent labeling process adversely affect both the criminal and the community. He further urges that crime brings people together, and influences community response to the crime problem. He also contends that as defensive responses to perceived crime threats, people will try almost anything to defend themselves from victimization.

Romulo (1982), studied the effects of conflicting rights in Canada. He conducted a survey to find out why the police clashed with public when the police was quelling a riotous mob that wanted to disrupt a political rally in their town. His study revealed that the public clashed with police as a result of the conflict of rights resulting into a number of injuries on both sides. The public had a right to demonstrate against a rally which was making noise in their area yet the politicians also had a right to have a gathering. The police had the obligation to protect both groups but in the due course clashed with the public. Although Rommulo's findings are relevant to this study it did not consider the right to liberty of suspects.

Similarly, Hannum<sup>16</sup>, studied ways of accommodating conflicting rights in United States of America and revealed that situations where rights have conflicted have always resulted in violence or near violence. He argues that unconscious handling rights is to blame for the bad outcomes. Although this study made this touching finding, it was based on secondary information and not on primary information which is more dependable.

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<sup>15</sup> Conklin J E. (1975). Impact of crime; a discussion of the types of social conditions and public attitudes that can have deleterious or salubrious effects on the commission of crime. Studies/research reports. Macmillan, New York

<sup>16</sup> Hannum, H. (1996). Autonomy and self-determination: the accommodation of Conflicting Rights. <http://www.books.google.com/books?hl=en&lr=gOq>



Kenny, et al<sup>17</sup> studied public safety in relation to abortion laws in United States Of America and discovered that violence had been inflicted upon the women who would abort their pregnancies by the protesting couples. The study also found out that the conflict of rights led to violent clashes between antiabortion and pro-abortion groups. However, the study was purely quantitative and did not have any qualitative aspects.

The FHRI<sup>18</sup> in their study of their right to liberty and security of person discovered that mob justice against the suspects had been witnessed in Uganda. A number of suspects had been detained as a rescue measure from mob justice. The police have had to deny suspects their right to police bond because of the fear of an increase in mob violence.

Similarly, a Uganda countrywide survey by the UHRC<sup>19</sup> revealed that the public is not always satisfied with the act of police releasing the suspects before taking them to court. As a result some people had resorted to reporting the cases to the military who they believe can severely punish the culprit or had taken to mob justice which has resulted in loss of innocent lives in many cases. However, this study depended only on police officers' and inmates' reports and did not involve the public for its opinion.

According to Art 23(4) (b) of the 1995 Constitution of Uganda<sup>20</sup>, "a person arrested or detained upon reasonable suspicion of his or her having committed or being about to commit a criminal offence under the laws of Uganda shall, if not earlier released, be brought to court as soon as possible but in any case not later than 48hrs after his or her arrest or be released on police bond. This presumes that police must, within 48hrs, investigate and produce sufficient evidence to take or present the suspect to court; yet some cases take more than this period to investigate and have files prepared so that they can appear in court.

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<sup>17</sup> Kenney D J, Et al, (1999). Conflict of Rights: Public Safety and abortion Clinic conflict and violence. Police Executive Research Forum (PERF) 1120 <http://www.ncjrs.gov/App/abstractdb/AbstractDBDetails.aspx?id=179186>

<sup>18</sup> (FHRI). Foundation for Human Rights Initiative (FHRI), (2000). Right to liberty and security of person: The Human Rights Reporter 2000. <http://www.ned.org/grantees/fhri/00annual/righttoliberty.html>

<sup>19</sup> UHRC (2008) 11th Annual report of the UHRC to the parliament of the Republic of Uganda

<sup>20</sup> Article 23(4) (b)

Whether investigation are complete or not, the suspect has the right to liberty, which must be respected by granting a police bond as the constitution grants since a person is presumed innocent until proved guilty. However, the release of such suspects has, in many cases, turned out to be a challenge to the police, to the suspect and to the community as it has occasionally translated into a source of conflict and social instability.

Winslow<sup>21</sup> reported that the rate of total index offenses decreased from 114.57 to 63.79, between 1995 and 2002. Winslow further reported that the rate of aggravated assault, burglary, and motor vehicle had particularly increased significantly yet this crime disrupts public order. Winslow quotes INTERPOL as attributing the increase to lack of adequate capacity on the part of police to fight these vices.

Similarly, commenting on alarming increase in crime rates in Uganda, Kato<sup>22</sup> cited two separate murder cases in Kampala suburbs in one year. According to Kato, the increase in crime rate was attributed to police being lenient with criminals whom they release immediately they are arrested. Kato continues to argue that the criminals go back and terrorize the people.

According to OSAC<sup>23</sup>, (2006), Ugandan police is not able to fight crime because they are poorly paid and lacking basic equipment and facilitation. The police cannot complete investigations due to inadequate staffing and facilitation and it is not uncommon for a police officer to request a “donation” to cover the cost of investigation. Without facilitation, investigation can never be completed in time and it therefore follows that the suspects are always released on bond. Such practices do not fight but breed crime instead. The release of a suspect on police bond has also been viewed by many community members as police betrayal of the victim who has been offended and yet has a right to justice. Opolot<sup>24</sup> (2009) quotes one local council official in

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<sup>21</sup> Winslow, R. (2003). Crime and society: A Comparative Criminology Tour of the World. Retrieved on 04/06/2010 from the worldwide web at: <http://www.rohan.sdsu.edu/faculty/rwinslow/africa/uganda.html>

<sup>22</sup> Kato J (2008) Rising Crime Rates – What is fuelling the problem? The New Vision, 26 March 2008. Kampala, Uganda. Retrieved on 02/06/2010 from the worldwide web at: <http://www.allafrica.com/stories/200803270029.html>

<sup>23</sup> Overseas Security Advisory Council (OSAC).2006. Kampala, Uganda: 2006 Crime and Safety Report. Crime & Safety. Sub-Saharan Africa – Uganda, 27 Feb 2006.

<sup>24</sup> Opolot D D (2009) Uganda Rights Body Wants longer detention time. The Daily Monitor 26 June 2009. Kampala



Kampala as saying 'the police betray us and frustrate our efforts to rid the village of thugs.' Others consider it as corruption of the police in that the suspects bribed the police and by the time you reach home they are already released.

Ntale, (2008) reported that the community has high mistrust in the police so much that they believe the police is not for but against them. He also quotes one resident as saying "an innocent person can stay in police cell for a long time but a criminal cannot even spend there one night". This shows how the public perceives the work of the police force.

Reporting on the increase in the acid attacks in Uganda, the Acid survivors Foundation-Uganda (ASFU), (2006) cited police weakness as the major contributing factor. ASFU argues that in addition to poor resourcing, the police are so corrupt that acid throwers are able to avoid justice especially if they are richer or more powerful than their victims or offended.

The released suspect have not had it easier either. Some suspect released on police bond have been lynched by the aggrieved parties who feel betrayed by the police because the suspect did not appear before court. In one incident, a man suspected of murder after arriving home in Mbuya after his release by the [police from Jinja road police station.

Kalanda, (2002) reports that on two separate incidence, suspected thieves were lynched in Kampala. According to him, a man was lynched in Biina for alleged theft of motor cycle while another was lynched in Bugolobi for alleged robbery after his release from Bugolobi police post.

Launching the Uganda police crime report 2008, the Inspector General of Police (IGP) said that mob action against suspected offender is gaining currency. He elaborated that in the previous year an increase of 100% in cases of mob action leading to death had been registered, with cases rising from 184 in 2007 to 368 in 2008. Of these instances, 232 suspects were lynched on suspicion of theft and 59 on suspicion of murder. Suspected robbers, burglars and witchdoctors were other categories of persons murdered through mob action (Uganda Police Force, 2009).

Due to fear of community response some other suspects who are released on police bond find it insecure to stay in their villages and opt to live elsewhere in the meantime (Ndifuna, 2003). On the other hand releasing the suspects on police bond gives the guilty suspects to escape justice by

jumping the bond and as Opolot<sup>25</sup> (2009) says if such suspects are habitual wrong doers they will continue to disrupt peace in the community.

The biggest challenge is that respecting the rights of the suspects/offender who disrupt peace infringes on the victims and community rights to peace which is a huge dilemma to policing. When a person is offended he or she runs to police for redress, which police does by arresting and detaining the suspects respecting the victim's right to peace. Police bond is a suspect's constitutional right, and respecting it infringes on the victim's as well as the community's right to peace. Yet keeping the suspect in the police cell for more than 48 hours, violates the victim's right to police bond. This situation is what Hannum<sup>26</sup> (1996) describes as the "conflict of right" which have a negative effect on peace especially when the suspects fail to refrain from criminal behavior.

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<sup>25</sup> Opolot D D (2009) Uganda Rights Body Wants longer detention time. The Daily Monitor 26 June 2009. Kampala

<sup>26</sup> Hannum, H. (1996). Autonomy and self-determination: the accommodation of Conflicting Rights. <http://www.books.google.com/books?hl=en&lr=gOq>

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY.**

#### **3.1 Over view**

This section presents the methodology the study adopted. It presents research design, study area and target population, the sample and sampling techniques, research instruments, data quality control, processing and analysis.

#### **3.2 Research design.**

The study took a survey research design and employed both qualitative and quantitative approaches. This design was preferred because it is appropriate in describing and explaining the phenomenon by using many respondents and a number of tools in a short time. The quantitative approach granted numerical data on which generalization were based while qualitative approach generated in depth information through interviews with the respondents. The two approaches were preferred because they could allow corroboration and triangulation of data.

#### **3.3 Study area**

The study was carried out in Nakawa division of Kampala District. The division was selected because several incidents of mob justice had been reported there. The area was also convenient for the researcher given the meager resources and limited time. The respondents were drawn from Mutungo zone c, kitintale, Luzira, Binna Kirombe all in Nakawa division. Police station includes Jinja Road police station, Ntinda police post, Bugolobi police post, Mbuya police post and kitintale police post. The suspects who participated were found in police cells of the selected police stations and posts.

#### **3.4 Target population.**

The target population was the community members, the police and suspects in detention. The police officers and community leaders participated as key informants.

##### **3.4.1 Sample and sampling techniques.**

The study involved a sample of 112 participants drawn from the different sections of the target population. The study involved 72 community members, 30 suspects and 10 police officers. Stratified sampling was applied to select the participants because the population was not

homogeneous. Purposive sampling was employed to select 1 police station and simple random sampling was used to select 5 police posts, 4 villages to participate in the study. Suspects in the selected police posts or station cells formed the sampling frame from which 30 respondents were chosen. Police officers were purposively selected depending on their responsibilities.

### **3.5 Research instruments.**

The study employed two questionnaires and an interview guide. One questionnaire elicited information from the suspects and others from the community members. The questionnaire, with both closed-ended and open-ended questions were used to collect quantitative data while the interview guide was used to carry out in-depth interviews to collect qualitative data. The quantitative and qualitative data sets were corroborated to enable the researcher to draw valid conclusions.

### **3.6 Research procedure.**

The researcher prepared instruments and had them reviewed and pre-tested, the instruments were refined and mass produced. The researcher went to the communities and police stations to seek consent, which was achieved. The researcher then issued the questionnaire to the respondents to solicit for their responses. The researcher thereafter conducted interviews with the key informants.

### **3.7 Data processing and analysis.**

The quantitative data collected using questionnaires were edited for completeness, coded and analyzed using frequencies and percentages. The qualitative data collected by an interview guide was sorted according to general theme and quoted verbatim for corroboration with the quantitative data. The SPSS computer software was used to analyze the data.

### **3.8 Limitations.**

The researcher encountered a number of constraints which includes financial constrain, limited time frame non response on some part of targeted potential respondents. As a result the researcher limited the

Study to a small geographical area and to a small number of respondent so as to overcome the problem of limited funding and also to make the study fit in the available time frame.

### **3.9 Ethical considerations.**

Aware of the implications and challenges of field work, the researcher obtained an introductory from the university to the study area authorities. With this letter the researcher introduced himself and to sought consent from the relevant authorities in the community and police. The researcher did not require names of respondents to ensure confidentiality.

## CHAPTER FOUR

### PRESENTATION OF THE FINDING

#### 4.0 Introduction.

This chapter presents the field findings about the status of respect of the right to police bond by the police. Data was collected from suspects by means of questionnaire and police officers through in-depth inter views. An interview guide was used to carry out the inter views Police record were also consulted to established whether or not the police accord the suspects right to bond.

#### 4.1 Findings from police records.

Police records like bond registers were consulted to establish how the police had respected or not respected suspect's right to police bond. Records for 10 days including the days the researcher visited the stations and posts were considered. The findings are presented in table1.

**Table 1. Number of suspects arrested and released on police bond.**

| Police station/posts      | Arrested suspects | Bonded suspects |
|---------------------------|-------------------|-----------------|
| Jinja Road police station | 154               |                 |
| Ntinda police post        | 57                | 82              |
| Bugolobi police post      | 60                | 33              |
| Mbuya police post         | 44                | 40              |
| Kitintale police post     | 38                | 16              |
| Total                     | 353               | 171             |

The table shows that a total of 353 suspects had been arrested and detained in police cells in the division within 10 days and that 171 suspects representing 48.4% of the total had been released on police bond. This shows affair attempt by the police to accord the suspects the right to bond.

The researcher then enquired to establish whether the suspect's right to police bond was respected as stipulated by the constitution of Uganda. The findings are presented in table 2 below.

**Table 1. Periods in which suspects were released on police bond.**

| Periods in cells | Frequency(f) | %of the total |
|------------------|--------------|---------------|
| Less than 24hrs  | 21           | 9.0           |
| 24-48hrs         | 23           | 9.9           |
| 48-72hrs         | 62           | 27.7          |
| 72-96hrs         | 79           | 34.1          |
| More than 96hrs  | 47           | 20.3          |
| Total            | 232          | 100%          |

The table above shows that only 18.9% of the suspects were released within the accepted mandatory period of 48hrs while majority represented by 61.8% were released within a period of 48-96 hrs. Furthermore, the table shows that 34.1% of the suspects were released within the period of 72-96hrs and was the biggest number considering other periods.

The findings in table 2 indicates that most suspects were released after the statutory periods of 48hrs. The table displays an interesting pattern indicating the ascending and descending peak being at 72-96hrs period.

Therefore from this table it infers that although the police can give bond to suspects most suspects benefit from it after 72hrs in cells, which contradicts the constitutional provision of 48hrs.

#### **4.1.1 Findings from the suspects.**

Suspects in the police cells were asked to state the number of days (hours) they had spent in cells. This question was to find out whether the police had respected the right of these very suspects to police bond. The responses from 30 suspects are presented in table 3 as below.

**Table 2. Suspects and the period they had spent in the cells.**

| Number of days | Frequency | Percent (%) |
|----------------|-----------|-------------|
| 1(24hrs)       | 8         | 26.7        |
| 2(48hrs)       | 13        | 43.3        |
| 3(72hrs)       | 5         | 16.7        |
| 4(96hrs)       | 2         | 6.7         |
| 5(120hrs)      | 1         | 3.3         |
| 6(144hrs)      | 1         | 3.3         |
| Total          | 30        | 100%        |

Table 3 shows that 9 of the out of 30 suspects represented by 30% of all the suspects had spent in police cells for three and more days(72 or more hrs).The table also shows that 13(43.3%) had already spent 48hrs in the cells but had not been given bond yet they had exceeded the constitutional accepted periods.

When asked whether or they knew when they would be given bond or taken to court, all the suspects showed that they were not aware of the time. This showed that all the suspects who were in police cells had no information on when they would receive police bond or be taken to court.

From the findings above, it is clear that all suspects, apart from one, had spent well over the statutory period in the cell but had not been granted police bond which is their entitlement. The findings also show that the police did not give the suspects information about the procedure through which they could get bond.

Suspect's duration in police cells by crime committed.

The researcher enquired to know whether or not the suspects' stay in police cells had anything to do with the offence committed. The responses are presented in table 4.



Table 4 shows that a big number of suspects (15 out of 30 (50%) in the cells were suspected of theft or robbery. The table also shows that of the suspects that had spent more than 48hrs in the cells, only one was suspected of murder and was not entitled to police bond according to some police officers. Otherwise three were suspected of defilement, the same number for theft, one for child neglect and another one suspected of robbery.

**Table 3. Period spent in cells by crime committed.**

| Crime committed      | Number of Suspects and days spent in police cells |    |   |   |   |   |
|----------------------|---|----|---|---|---|---|
|                      | 1   | 2  | 3 | 4 | 5 | 6 |
| Defilement           | -   | 1  | - | 1 | 1 | 1 |
| Murder               | 1   | -  | - | 1 | - | - |
| Theft                | 1   | 10 | 3 | - | - | - |
| Robbery              | -   | -  | 1 | - | - | - |
| Assault              | 3   | 1  | - | - | - | - |
| Child neglect        | 1   | 1  | 1 | - | - | - |
| Threatening violence | 1   | -  | - | - | - | - |
| Traffic              | 1   | -  | - | - | - | - |
| Total                | 8   | 13 | 5 | 2 | 1 | 1 |

From the findings in table 4 it can be deduced that police can hold suspects beyond the constitutionally accepted period of 48hrs irrespective of the offence committed. It is also clear from the same findings that the police use their discretion to violate the suspect's right to liberty by denying them police bond.

Suspect's duration in police cells by sex.

The data were analyzed to find out whether sex impacted the suspect's duration to stay in police cells as presented in table 5 below.

**Table 4. Suspect's duration in cells by sex.**

| Days in cells | Male |             | Female |             |
|---------------|------|-------------|--------|-------------|
|               | F    | Percent (%) | f      | Percent (%) |
| 1             | 3    | 15.0        | 5      | 50.0        |
| 2             | 9    | 45.0        | 4      | 40.0        |
| 3             | 4    | 20.0        | 1      | 10.0        |
| 4             | 2    | 10.0        | -      | -           |
| 5             | 1    | 5.0         | -      | -           |
| 6             | 1    | 5.0         | -      | -           |
| Total         | 20   | 100.0       | 10     | 100.0       |

The findings in table 5 the majority of the suspects (8 out of 9 representing 88.9%) of those who had spent 72hours and more were men. Considering the total number of suspects 26.7% of these suspects were males. Also all the male suspects 40% had spent 72 hours and above in cells while 10% of females had spent similar periods in cells. Further, it shows that the number of female suspects reduced with the increasing number of days and became zero after 72hours.

The findings in the table above could imply that female suspects are not likely to be kept in police cells for a long time as their male counterparts. The only female held for 72hours was suspected of murder, which was the reason the police decided that she be delayed in cell.

#### **4.1.3 Suspects duration in police cells by level of education.**

The researcher inquired know whether the level of education had anything to do with the suspect's duration in the police cells as in table 6 below.

**Table 5. Suspects duration in police cells by education.**

| Level of education | Number of suspects and days spent in police cells |    |   |   |   |   |
|--------------------|---|----|---|---|---|---|
|                    | 1   | 2  | 3 | 4 | 5 | 6 |
| Degree             | 1   | -  | - | - | - | - |
| S6                 | 2   | -  | - | - | - | - |
| S5                 | 3   | 5  | - | - | - | - |
| S4                 | -   | 1  | - | 1 | 1 | 1 |
| S1-S3              | 1   | 7  | 3 | 1 | - | - |
| P7                 | 1   | -  | - | - | - | - |
| Below P7           | -   | -  | 2 | - | - | - |
| Total              | 8   | 13 | 5 | 2 | 1 | 1 |

The table above indicates that the majority of the suspects 17 out of 30 representing 56.7% of the respondents) who had spent 48 and more hours in police cells had an education level of S4 and below. The findings also indicate that the low educated suspects had their right to police bond violated compared to the higher educated ones.

#### **4.1.4 Suspects duration in cells by period of residence in the area.**

The researcher intended to find out whether or not the period of residence in an area had an effect to the suspect's duration in police cells. Table 7 presents the findings about the variable.

**Table 6. Suspects duration in cells by period of abode.**

| Duration of abode | Number of days in police cells |    |   |   |   |   |
|-------------------|--------------------------------|----|---|---|---|---|
|                   | 1                              | 2  | 3 | 4 | 5 | 6 |
| 1                 | -                              | -  | - | - | 1 | - |
| 1-4               | -                              | 3  | - | 1 | - | 1 |
| 5-9               | 2                              | 4  | 2 | - | - | - |
| 10+               | 6                              | 6  | 3 | 1 | - | - |
| Total             | 8                              | 13 | 5 | 2 | 1 | 1 |

Table 7 above shows that of the 22 suspects that had stayed for 48 and more hours in police cells, six(27.3%) had resided in their places for not more than four while the rest (72.7%) had lived in the area for 5 and more years .

According to the table above, the biggest number of suspects who were in police cells at the time of this study had resided in their areas for five years and more. Also majority that had the majority of the suspects that had been in the cells for more than the statutory period had been residents of the areas for more than 10 years.

#### **4.2 Knowledge of the right to police bond.**

Suspects in police cells were asked to state whether or not they knew that they had a right to police bond and their responses are presented in table 8 below.

**Table 7. Suspects responses on knowledge of right to police bond.**

| Responses | Frequency | Percent |
|-----------|-----------|---------|
| Yes       | 21        | 70.0    |
| No        | 9         | 30.0    |
| Total     | 30        | 100%    |

The table above that the majority which is 70% of the respondents reported that they knew that they had their right to police bond Also the significant number of suspects are not aware that they had a right to bond. The respondents were also asked to mention the length of the period for police bond and all of those who had reported that they knew about the right to the bond stated 48 hours or two days, which indicates that they were well aware of their right to police bond.

It can be deduced from the findings in 8 that there high level of awareness of the right to police bond among the suspects. It can also be deduced that a considerable number of suspects were not aware of their right to police bond.

##### **4.2.1 Reasons why suspects spend long in police cells.**

The researcher emphasize to know reasons why suspects were kept in cells for more than the accepted periods of 48 hour .The researcher sought to know the reasons from the police officers whose responses are quoted as presented below.

*“Some suspects are kept in the cells beyond the statutory period of 48hours because of the fear that when released on bond they would interfere with police investigations.”*

This is in reference to the offenders who have committed serious and grave offences like murder, aggravated robbery, defilement etc. Therefore, these people are not entitled to quick police bond.

*“A police bond is granted to a suspect who applies to the officer in charge (O/C) for it basing on the presentation of substantial sureties who guaranteed that the suspect will report to the police at the time and place agreed upon.”*

*“Previous records are considered and habitual or serial offenders are not released on police bond. Also suspects are sometimes denied police bond in order to protect them from the angry members of the public.”* Also to protect the community the community from the trouble caused by the suspect.

From the above findings, it can be inferred that the police take it upon themselves to deny suspects their right to bond claiming that the offence is of serious nature. Also that though the suspects are aware of their right to bond they were not aware of the procedure of getting it and the police did not give the information relating to obtaining police bond.

#### **4.2.2 Discussion of the findings.**

According to the findings in the above sections, the majority of the suspects had exceeded 48hours in police cells. The findings clearly revealed and prove that the police is greatly involved in gross violation of suspect's right to liberty by denying them the police bond. The quoted reasons for them to grant police bond are not so clear. However, information gathered from some officers justified the reasons for the violation of the suspect's right to police bond.

The fact that police can keep *“some suspects in cells for more than 48hours due to the fact that they would interfere with police investigations”* indicates that the police may be able to conclude their investigations of some cases within the accepted periods of 48hours. This perhaps may be due to lack of capacity in terms of facilitation or personnel. This conformed with and is in conformity to the observation by the UHRC, (2003) that in the current situation, the Uganda police does not have enough human and financial resources to be able to conduct and conclude investigation of cases within the statutory period of 48hours. On this ground one of the human



right commissioner suggested that the period of police bond need to be revised upwards. However this does not coffer power to police to keep a suspect in cells beyond the statutory period which amounts to violation of a suspect's right to liberty.

Similarly, the fact that *"a police bond is granted to a suspect who applied for it and have substantial surety or sureties to guaranteed that the suspect will report to the police at the time and place agreed upon"* is wrongly an exercise of power and authority to contradicts the constitution or at least to misinterpret the law perhaps with an intention to violates the suspect's right the Constitution (Art 23 (4) (b)) clearly states that *"a person arrested or detained upon reasonable suspicion of him or her having committed or about to commit an offence under the law of Uganda shall, if not early released be brought to court as soon as possible but in case not later than 48hours after his or her arrest or be released on police bond."*

There is no clause or phrase that suggests that there are any exceptions in the enforcement of the law and the execution of police bond, therefore it is an abuse of power for police to deny any body access to police bond.

The abuse of power by the police to violates the suspect's right to liberty was publically displayed by a police officer who while commenting of the increase in the rate of defilement cases in the country, ordered the police officers not to *"release defilement suspects without permission from the Resident District Commissioner (RDC)"* (The New Vision, Feb, 22, 2010) as if the RDC is the custodian of law.

On the other hand it is justifiable for the suspects to be denied police bond especially to protect them against angry mob or to protect the victims from further attack by the suspect. This is in line with what the FHRI (2000) had earlier found out that police in Uganda has had to deny their right to bond for fear of mob actions against the suspects. Whereas, it can be done in good faith, it is not backed by law and is an outright violation of suspect's right to police bond hence challengeable.

Further, the findings also indicate that more men than women stayed in police cells for more than the accepted period. The reason being that the police are most likely to favor women owing to their natural status especially where the detention facilities are not sufficient to handle certain

number of suspects and of different sexes. It is also majorly believed that women suspects are less likely to jump bond than male suspects.

Basing on the information gathered from police officers as well as the suspects, the generalization is that the police is grossly involved in the violation of the suspect's right to bond. Also long term detention in cells beyond the constitutionally accepted period for whatever reason is a manifestation of intentional violation of such person's right to liberty.

It can be concluded that, the police have held the suspects beyond 48hours because of failure by the police to conclude investigation, which is largely blamed on inadequate facilitation and time to allow a timely investigation and conclusion of cases. This problem is compounded by limited personnel as stated by the IGP that the police force is still too small and inadequately staffed to be able to handle the increasing rate of crime (Uganda Police Crime report, (2008).

These and other reasons had earlier on been established by the URHC (2008) culminating into some commissioners praying that the law governing police bond should be revived to allow suspects to access police bond.

Conclusively, there is no doubt that the Uganda police violates the suspect's right to liberty by denying policed bond with varied reasons that include inability to conclude investigation and the gravity of the offence alleged.

What are the attitudes of the people towards suspects released on police bond?

#### **4.2.3 Community member's attitudes towards police bond.**

A simple scale was items were given to community members to find out their opinion and attitudes towards police bond and suspects released on bond. Their responses are presented in table 9 below.

#### **KEYS.**

Stands for strongly agree.

Stands for agree.

Stands for disagree.

Stands for strongly disagree.

**Table 8. Community member's response on attitude test items.**

| Attitudes test item   | Numbers of Respondents by rating |    |    |    |
|---|----------------------------------|----|----|----|
|   | 1                                | 2  | 3  | 4  |
| The police are right to release a suspect                                     | 4                                | 17 | 17 | 34 |
| Suspects have their right to police bond                                      | 19                               | 42 | 7  | 6  |
| Suspects should stay in police cells until court's time                       | 12                               | 30 | 17 | 13 |
| Some suspects are agents of police in committing crime                        | 22                               | 29 | 8  | 13 |
| Suspects bribed police to be released on bond                                 | 33                               | 23 | 4  | 12 |
| Police do not investigate cases   | 23                               | 21 | 20 | 12 |
| A person is innocent until proved guilty                                      | 25                               | 43 | -  | 4  |
| Suspected offenders should be killed  | 3                                | 7  | 17 | 45 |
| Some people are arrested when they are not guilty                             | 22                               | 39 | 4  | 7  |
| Police should allow mob justice on habitual offenders                         | 6                                | 13 | 18 | 35 |
| When someone offends me police must do what I want to be done to the offender | 4                                | 11 | 31 | 26 |

**Table 9 shows that:**

The majority of the respondents (51 out of 72 representing 70.8%) disagreed or strongly disagreed that the police have the right to release a suspect under their custody.

The majority of the respondents 61 out of 72 representing 84.7% agreed or strongly agreed that suspects have their right to police bond.

The majority 42 out of 72 of the respondents agreed or strongly agreed that suspects should stay in cells until court time.

The majority 51 out of 72 agreed or strongly agreed that some suspects are agents of police in committing crime.

Out of 72 respondents 56 agreed or strongly agreed that suspects bribed the police.

The majority 45 out of 72 agreed or strongly agreed that the police do not investigate cases.



The majority 68 out of 72 agreed or strongly agreed that a person is innocent until proved guilty.

The majority 62 out of 72 disagreed or strongly disagreed that suspected offenders should be killed.

The majority 61 out of 72 agreed or strongly disagreed that some people are arrested when they are innocent.

The majority 53 out of 72 disagreed or strongly disagreed that the police should allow mob justice on habitual offenders.

The findings in paragraphs 1-3 indicates that while the majority of the respondents agreed suspects have their right to police bond ,they disagreed that the police are right to release the suspect who is under their custody and agreed that suspects should stay in police cells until police court time showing a negative attitude towards police bond.

Also line 4-6 shows that majority held a belief that some suspects are agents of police in committing crimes i.e. they connive with the police to commit crimes, suspects bribed the police to be released on bond indicating that most members of the community believe that police released some suspects after bribery and afterwards they do not investigate cases. This shows the negative attitudes of the community towards the operation of the police force which they describe as corrupt. Further it indicates that most members of the community do not expect the police to respect the suspect's right to freedom by granting a police bond since they interpreted it as being given in exchange to a bribe. Therefore it can be deduced that members of the community generally have a negative attitudes towards police bond.

#### **4.2.4 Over all community evaluation of the right to police bond.**

Respondents were asked to state whether or not they were comfortable with the right to police bond and their responses are given in table 10 below.

**Table 9. Reasons for discomfort with police bond.**

| Response | Frequency | Percent |
|----------|-----------|---------|
| Yes      | 30        | 41.7    |
| No       | 42        | 58.3    |
| Total    | 72        | 100.0   |

The table shows that the majority (58.3%) of the respondents reported that they were not comfortable with the suspect's right to police bond.

The reasons were summarized in table 11 below.

**Table 10 Reasons for discomfort with police bond.**

| Response                               | F  | %    |
|--|----|------|
| Criminals bribe their way out to bond  | 33 | 41.7 |
| Released suspects are threat to people | 29 | 58.3 |
| They tamper with investigations        | 17 | 40.5 |
| They attack/ terrorize the offended    | 21 | 50.0 |
| Released suspects evade justice        | 23 | 54.8 |

Table 11 above shows that the majority (more than 50%) of the respondents reported that they were uncomfortable with police bond because, under the guise of their to bond, criminals bribe their way out of the hands of the law, evade justice and continue to commit crime, also shows that the half of the respondents reported that when released on bond, suspects threatened their accuser, 40.5% reported that suspects tamper with investigations.

Generally in tables 10 and 11 it can be inferred that the community members had a negative attitudes towards these bonded suspects as influenced by the actions of the released suspects and the action of police, who are being accused of corruption.

All these facts are supported by the people's statements such as:

*“I think that this right is abused and taken for granted especially for the rich to commit crimes and torture people who reported them to police.”*

*“In most cases the police is bribed by the criminals and once released they never report to and when the complainant insisted the case is infinitively postponed until the complainant get exhausted and give up.”*

*“Some suspects are so strong that they influence the police decisions and the police can misuse the right to bond by releasing the guilty suspects.”*

The findings corroboratively indicates that people have a negative attitudes towards police bond. This is perhaps due to the fact that people do not see criminals being prosecuted because as some statements show, police do not always conclude their investigations.

Community members believe that police officers are professionals in matters of criminal investigations. For police to release a suspect on bond and failing to conclude the investigations and take the suspect to court for whatever reason is a betrayal of the profession. This has made the people to lose trust in the police as the following statements suggest.

*“Sometimes there is clear and over whelming evidence which can be seen by everybody in the community but police releases the suspect on bond saying that investigation is continuing”.*

*“There are people you clearly see that they have committed an offence. Why do you see them on bond? , let the police used common sense in some cases”.*

Therefore, it can be generalized that respecting the right to bond has a negative bearing on peoples' attitudes and that the roles played by the police in executing the bond is central. If it is poorly handed it can lead to negative attitudes amongst people eventually culminating to destabilization in the process of policing. This is in line with what Myhill and Beak, (2008) revealed that people who have suffered from crime have a negative attitude towards the offender and are less likely to accept that the police are dealing with crimes in their areas.

Conclusively, since many people in Nakawa division have suffered from or been affected by crimes, they have a negative attitudes on the suspects released on bond and obviously on the police who executed bond.

### **What are the effects of conflicts of right on peace in the community?**

The effects of respect of police bond were looked in respect to relationship between police and the community as well as released suspects and the community.

#### **Relationship between community and police.**

Respondents were asked to evaluate the performance of the police in quelling insecurity in the area and to give reasons for their rating. These questions were intended to establish the confidence and the attitudes of the community members towards the police. The responses are presented in table 12 and 13 below.

**Table 11. Community evaluation of police work in their area.**

| Rating    | F  | %     |
|-----------|----|-------|
| Very good | 3  | 4.2   |
| Good      | 8  | 11.1  |
| Poor      | 42 | 58.3  |
| Very poor | 19 | 26.4  |
| Total     | 72 | 100.0 |

The table above shows that majority 84.7% of the respondents rated the performance of the police in handling in security in the area as very poor; only 15.3% appreciated the work of the police as very good. This indicates that the community member are not confident to the work of the police as the findings suggest that police is a poorly performing security organ and incapable in providing maximum security within their areas of operation.

Also 61 out of 72 respondents gave reasons for rating the work of the police as poor as presented in table 13 below.

**Table 12. Reason for rating the work of the police as poor.**

| Reasons  | f  | %    |
|--|----|------|
| Corruption of the police                         | 37 | 60.7 |
| Delays in response to security threats           | 24 | 55.7 |
| Releasing of wrong doers before going to court   | 43 | 70.5 |
| Seeking facilitation from complainant to respond | 37 | 60.7 |

The show that the biggest proportion (70.5%) rated the police work as poor by releasing the hard core criminals as on police bond before going to court, 60.7% complain about the corruption of the police as practice of asking for facilitation from the offended in order for them to act.

Findings in table 13 were backed up the following quotation of statements from inter views with the leaders in the community, further support of the above findings one community said:

*“When the police are informed of the crime committed or about to be committed, they do not quickly come. They asked you many questions instead of responding immediately to save the situation and in most cases they came after a long time when it is too late to arrest the criminal”.*

Another local council official said *“people report cases to the police station or posts and the police officers asked them with transport for them to go and arrest the suspect. Some victims may offer their cars to transport the police but they refuse asking for money to find their own means and upon failing to get the money they refuse to come and arrest the suspect”.*

When these two statements are corroborated with table 13 they show that:

1. The police do not respond quickly to security threats as expected when called upon.
2. Some police officers asked for money to facilitate them in the mission of arresting the suspect on responding to security threat.

This is because the police operation have limited budget in that sometimes stations and posts may not have money to finance immediate operations. Also the bureaucracy involved in trying to access money for operation takes some time and cannot allow immediate action. However, bribery cannot be ruled out especially when one considers the statement that the police refuse



physical transport offered by the complainants “*saying that they need money to find their own means*”.

Basing on the above findings, it can be deduced that the release of suspect on police bond is not welcome in the eye of the of the community members which feels insecure with the return of the suspect.

#### **4.3 Relationship between community and released suspect.**

Respondents were asked to state whether or not they had heard of mobs launching suspects in their community and all of them (100%) answered in the affirmative. This indicates that the community members were aware of mob justice and this could imply that mob actions against release has become more common or at least is on the increase.

The same respondents were then asked to mention what they felt were the causes of mob justice against suspects and the reason they gave were summarized in table 14 below.

**Table 13. Community response on causes of mob justice.**

| Causes  | Frequency(f) | Percentage (%) |
|---|--------------|----------------|
| Corruption of the police                                    | 17           | 23.6           |
| Police delay to reach the scene of crime                    | 25           | 34.7           |
| Releasing of habitual offenders by the police               | 41           | 56.9           |
| Lack of trust in the police                                 | 37           | 51.4           |
| Poor working relationship between the police and the people | 29           | 40.3           |
| Lack of knowledge of the law.                               | 13           | 18.1           |

Table 14 shows that more than 50% of the respondents reported that the causes of mob justice were releasing of habitual offenders by the police and lack of trust in the police. Other causes mention were poor working relationship between the police and the people, police delay to reach the scene of crime, corruption of the police and lack of knowledge of the law. It’s clear from the table that the single reason was reported by the biggest number of the respondents.

From the findings in table 14, it can be inferred that the conflict between the suspect's right to police bond and the right to peace (order and safety) could be largely blamed for mob justice against the suspects.

#### **4.3.1 Discussion of the findings.**

The findings in table 12 and 13 shows the effects of the conflict of right to police bond and the right to peace on maintenance of peace in the community.

Community evaluation of police work in dealing with insecurity in their area shows that the majority (84.7%) of the respondents rated police performance as poor or very poor (see table 12). Giving reasons for such an evaluation (table 13) the majority (70.5%) reported releasing of wrong doers on police bond before going to court, 60.7% reported corruption in the police and the practice by the police of asking for facilitation from the complainants to be able to act and (55.7%) reported delaying to respond to the security threats.

These findings indicate that the single most important reason for rating police work as poor or very poor is released of people suspected of disturbing peace in the community. It can, therefore, be deduced that the release of suspects on police bond is not welcome in the eyes of the suspect and hence feel frustrated, or betrayed to say the least, by the police.

These findings are supported by respondents' statements such as: *"..... people have lost confidence in the police. When they arrest suspects, police releases them without taking them to court and no further investigations are seen to be conducted by the police because the suspects are never taken to court."*

The phrase *"no further investigations are conducted"* in the above statement implies that the community members feel that the police do not continue and conclude the investigation of the cases since they do not see the suspects being taken to court and sentenced. For this matter, police bond is seen as a favor to the offenders against the offended. This is further shown by statements like: *"people believe that police is unfair and sometimes this suspect repeats the crime even before court ruling"*

**The statement by one community leader that:**

*“People no longer trust police because when offenders are arrested are released and then commit more crime get arrested and released again, I think police works with the criminals because they are always released when arrested.”*

The above statements could imply that the release of suspects on police bond and failure to complete investigations to commit the suspects to court, encourages crime .the likely truth in this is that when suspects learn that when arrested they will be released; they are likely to continue committing crime since there is nothing to deter them.

When these findings are corroborated it can be generalized that respecting the suspect’s right to police bond negatively affects the image of police in the eyes of the community. This, in turn negatively affects the role of police in maintaining peace because when trust is lost, there is no point in *“helping the police to help you”* since the community members feel that police has not helped them.

Not only does it affect the image of police, but it also shapes the actions of the community towards the suspects as well as towards the police. Mob action against suspects is one such action. This is evidence by what some community members said:

*“Police does not effectively or has not acted effectively on a similar case reported and so people decide to use mob Justice”*

*“It is caused by anger, but mostly because they know that even if they arrest suspects or even habitual offender, police will release them and it is the society that will suffer with them again, moreover without punishment.”*

These findings are in line with the linkage that Thompson and Gainey,<sup>27</sup> made between crane and people’s perception of the work of police, that fear of crime influences people’s perceptions of and the confidence in the police. Therefore, because people fear crime, they will report criminals to authorities, which the police represent. So, when the police arrest and later release the

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<sup>27</sup> Thompson, R.A and Guiney. R. (2007) Fear of crime and confidence in the criminal Justice System – Results of the statewide survey, Paper presented at the annual meeting of the AMERICAN SOCIETY OF CRIMINOLOGY Atlanta



suspected criminals, the police perceive the act as unfair and this results in less confidence in the police.

The conflict of the right to liberty (through police bond) and the right to peace also affects the way community relates with the suspects and how the released suspects relates with the community. On how the suspect relates to the community, it was discovered from interview that relationship is not cordial as proved by these statements:

*“Some suspects who are released boast over the people and threaten or even harm the plaintiff who reported them to police.”*

*“When a suspect is released, he or she becomes an enemy of many people hence causes insecurity in the community.”*

This behavior of the suspects in turn influences the reaction of the community which has in some case culminated into mob justice. The findings shows that more than 50% of the respondents reported that the occurrence of mob justice is caused by release of habitual offenders by police and lack of trust in the police (see Table 13).

These findings are supported by such verbatim quotation of some respondents' statements as:

*“Police does not effectively act or has not acted effectively on a similar cases reported and so people decide to use mob Justice”*

*“Mob justice is caused by anger, but mostly because they know that even if they arrest suspects or even habitual offender, the police will release them and it is the society that will suffer with them again, more over without punishment.”*

*“The police is unfair and corrupt and sometimes the suspect repeats the same crime even being taken to court.”*

.From the above findings, it can be deduced that the conflict between the suspect's right to police bond and the right to peace is the most likely cause of mob justice against suspect. This finding

is in line with what McIntyre<sup>28</sup> said that fear of crime provokes people to change their habits in order to assure safety and this change of habit may include the way they relate with or handle the criminals including acting as a mob.

Resorting to mob justice is also in line with the anarchist theory of violence which states that violence (especially in self-defense) is justified ... and it is necessary to destroy (destroy the criminals) with violence since one cannot do otherwise. Therefore, according to this theory, the act of the community to lynch the suspected enemy of their peace is necessary since justice cannot be delivered or seems rather denied by state, which the police represent.

Although the theory essentially explains violence against the state and not the individual; it seems to also explain the action of mob against suspects in that the police (acting on behalf of the state) have failed to protect community against criminals. Therefore, the community resorts to violence as a means to fight crime themselves since they have no other alternative left.

In a nut shell, the conflict between the right liberty through a police bond and the human right to peace has adversely influence people's attitude towards the criminals and the policing effort leading to occurrence of mob justice and the mistrust in the police.

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<sup>28</sup> McIntyre J. (1967). Public Attitudes towards crime and law enforcement. Retrieved on 13th 02/2010 from internet at: <http://ann.sagepub.com/cgi/content/abstract/374/1/134>

## **CHAPTER FIVE**

### **SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

#### **5.0 Overview**

Chapter five presents a summary of the findings, conclusions and recommendations made out of the study. Each of these is presented in a separate section.

#### **5.1 Summary of findings**

The findings are summarized in sections according to the objectives of the study.

#### **5.2 Status of police respect of the right to police bond**

The study found out that a significant number of the suspects had spent in police cell for three and more days, which period is more than the 48hrs (2days) and other had spent two days and had not been given police bond yet they were entitled. This is an indication of violation of the suspects' right to the police bond.

Giving the reasons for not respecting suspect's right police bond, police officers cited protection of the suspect from possible attacks by angry members of the community, presenting the suspect from possible harm that they can inflict on the complainants and where past record show that a suspect is a habitual offender.

#### **5.3 People's attitudes towards police bond**

The findings show that whereas the majority agreed or strongly agreed that suspects have the right to police bond, they also agreed or strongly agreed that suspects should stay in police cell until court time and disagreed or strongly disagreed that the police are right to release a suspect under their custody. Although people are aware of the suspects' right to liberty through a police bond, they would want suspects to stay in cells until when they are taken to court and therefore think it is not right for police to release the suspects in their custody before they are taken to court.

These findings indicate that people have a negative attitude towards police respect of the suspects' right to police bond for they think that police officers, who are believed to be professional in matters of criminal investigation, has continued to release suspects whom community believes are criminals, and failing to conclude the investigations so that the suspect

can be taken to court for whatever reason is a betrayal of the profession. This perhaps explains why the majority agreed or strongly agreed that some suspects are agents of police in committing crime, that suspects bribe police to be released and that Police do not investigate cases.

#### **5.4 Effects of conflicts of rights on peace in the community**

Community evaluation of police work in dealing with insecurity their area indicated that the majority of the respondents rated police performance as poor or very poor. The reasons given for such an evaluation included the police releasing wrongdoers on bond and the practice, by the police, of asking for facilitation from the complainants to be able to act and reported delay to respond to security threats – acts that respondents attributed to corruption in the police.

These findings clearly show that the most important reason for rating police work as poor or very poor is release of people suspected of disturbing peace in the community. It can therefore be deduced that the release of suspects on police bond is not welcome in the eyes of the community which feels insecure with the return of the suspect and hence feel frustrated by the police.

When these findings are corroborated it can be generalized that respecting the suspect's right to police bond negatively affects the image of the police in the eyes of the community. This, in turn negatively affects the role of police in maintaining peace because when trust is lost there is no point in "helping the police to help you" since the community members feel that police has not helped them. It also leads to community's violent response towards the released suspects.

#### **5.5 Conclusions**

From the study the researcher draws these conclusions:

The police do not respect and promote the right to police bond and are actually involved in violation of this very right by deliberately keeping suspects in police cell for more than the accepted period of 48hours.

The respect of suspects' right to liberty by has negatively affected community members' attitudes towards the police operation. Community members have developed a negative attitude towards police bond and the suspects who benefit from

Respecting the right to police bond has a negative bearing on maintaining peace in the community for it reduces community cooperation with the police which makes policing difficult

and negatively affects the way the community relates with the suspects and so does the released suspects and the community.

## **5.6 Recommendations.**

The researcher recommends that:

The police be facilitated to be able to carry out investigations and have suspects tried and guilty ones prosecuted in order to give confidence to community members. This will improve the image of the police and increased the cooperation with police in maintaining peace.

The community should be sensitized about the importance of the right to police bond so that they can be able to change their attitudes towards and appreciate the respect of the suspects' right to police bond.

The laws of Uganda should be translated in to local languages for people to read themselves in the language they understand better.

The structure to ensure adherence to standards and professionalism in the police force should be strengthened with heavy punishments involved against culprits and members of the public be co-opted to ensure community participation for improvement of performance. This will help to stamp out corruption in the police force and improve its performance.

A mechanism to consult the victims should be devised so as to sensitize and educate them about the rights of the suspects before the suspect is given police bond. This will improve the acceptability of them in the community.

Suspects who are kept in police cells longer than the accepted period of 48hrs should be compensated by the state. This will make the police to adhere to the accepted period.

The period required for a suspect to qualify for police bond should be amended and increased possibly to 96hrs to allow police to conclude their investigations so as to commit suspects to court.

There is need to research gender influence on suspects duration in police cells as long as the men.

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