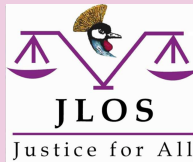




REPUBLIC OF UGANDA

THE JUSTICE, LAW AND ORDER SECTOR



JLOS CHAIN LINKED COMMITTEES

(Advisory Board, Regional and District Committees)

OPERATING GUIDELINES

December 2013

CHAIN LINKED COMMITTEES OPERATING GUIDELINES, 2013

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ANNEX: Performance standards and guidelines for JLOS agencies

SHORT TITLE	1. These Guidelines may be cited as the JLOS Chain-linked Committees Operating Guidelines, 2013.
Interpretation	2. In these Guidelines, unless the context otherwise requires, “Board” means the Chain Linked Advisory Board; “DCC” means the District Chain Linked Committee; “JLOS” means the Justice, Law and Order Sector; “RCC” means the Regional Chain Linked Committee; “SIP ” means the Strategic Investment Plan .
Scope of JLOS	3. The Justice Law and Order Sector (JLOS) is a sector wide approach that brings together 17 institutions responsible for administering justice, maintaining law and order and promoting the observance of human rights.
Purpose of JLOS	4. (1) Uganda’s Justice Law and Order Sector is a significant innovation now in operation for over 10 years as a holistic Government approach focused on improving the administration of justice, maintenance or law and order as well as the promotion, protection and respect of human rights in order to “ensure that people in Uganda live in a safe and just society” where there is safety of the person, security of property, observance of human rights and access to justice for accelerating growth, employment and prosperity. (2) The purpose of JLOS is carried out by (a) fostering participation, empowerment and ownership through mechanisms that enable all JLOS institutions to access and control structures and process that transform their outputs into desirable sector outcomes; (b) ensuring growth and equity in service provision to remove the gender, age, social and geographical disparities in the distribution of benefits from JLOS SIP investments; (c) deepening and strengthening de-concentration in line with the overarching policy of moving political and governance structures nearer to the people; (d) promoting transparency in the partnership; accountability to stakeholders and excellence in implementation of processes and outputs.

JLOS outcome areas	5. The JLOS Investments (SIP) are aimed at delivering three outcomes namely; a) Strengthening policy and legal framework b) Enhancing public access to JLOS services; and c) Promoting observance of human rights and accountability.
JLOS Institutions	6. The institutions that constitute JLOS are: a) Ministry of Justice and Constitutional Affairs; b) Ministry of Internal Affairs; c) The Judiciary; d) The Uganda Prison Service; e) Uganda Police Force; f) Uganda Registration Services Bureau g) The Directorate of Public Prosecutions; h) The Judicial Service Committee; i) The Uganda Law Reform Commission; j) The Ministry of Gender, Labour and Social Development (Juvenile Justice/Probation Service); k) The Ministry of Local Government (Local Council Courts); l) The Uganda Human Rights Commission; m) Directorate of Citizenship and Immigration Control; n) The Law Development Centre; o) Centre for Alternative Dispute Resolution; p) Tax Appeals Tribunal; and q) Uganda Law Society.
Management of JLOS at National level	7. The JLOS management structure at the national level comprises: a. Leadership committee b. Steering Committee which provides policy and political guidance; c. Technical Committee and its five thematic working groups (<i>civil, criminal, human rights and accountability, transitional justice and budget</i>) – to manage implementation of the plan; and d. the JLOS Development Partners Group to ensure donor coordination and input into policy matters.

The Chain Linked Advisory Board

- 8.** At the sub national level, the JLOS SIP is implemented through the Chain Linked Advisory Board comprising:
- Principal Judge
 - The Commissioner General of Prisons,
 - The Inspector General of Police,
 - The Director of Public Prosecutions,
 - Senior resident judges in charge of circuits,
 - The Chairperson of the National Community Service Programme and
 - The Chief Registrar
 - The Chairperson UHRC
 - Head of probation and juvenile services MoGLSD

The Role of the Advisory Board

- 9.** The Chain Linked Advisory Board has the following functions:
- to give policy guidance or advice;
 - to mentor District Chain linked Committees through the RCC;
 - to address issues raised by the District Chain linked Committees; and
 - to provide guidance on addressing impediments to the administration of justice and maintenance of law and order.
 - hold meetings at national levels to address pending issues arising out of identified impediments

Meetings of the Board

- 10.** (1) The Board shall meet at least twice in a year or at such times as may be determined from time to time.
(2) The JLOS Secretariat shall provide resources for the meetings of the Board.

Regional Chain Linked Committees (RCC)

- 11.** (1) A region under JLOS is equivalent to a High Court Circuit.
(2) A Regional Chain Linked Committee (RCC) shall be chaired by the most senior resident Judge in the Circuit and the other members shall be the following:
- the Registrar who shall be the Secretary of the RCC;
 - the Chairpersons of all DCCs in the circuits;
 - Regional Police, and Prison Commanders; and
 - all JLOS actors with a regional mandate.

Role of the RCC

- 12.** The RCC shall;
- guide the roll out of the SIP in the circuit;
 - provide guidance to the DCCS;
 - link the DCC to the national level through review of reports, action taken reports and monitoring of SIP indicators;
 - recommend regional solutions to ensure attainment of JLOS results and shall monitor the critical JLOS indicators
 - provide information on technical matters to the regional level;
 - provide technical support to the DCCS; and
 - provide oversight to the implementation of SIP .

District Chain linked Committees (DCC)

- 13.** (1) At the District level, JLOS is represented by the JLOS District Chain Linked Committee.

Members of the DCC

- 14.** The DCC comprises the following representatives:
- JLOS institutional representatives at district level;
 - representatives of the legal profession;
 - District Probations and Social Welfare officer;
 - Civil Society Organizations and private sector organizations; operating within the JLOS thematic areas of criminal and civil justice, child justice, anti-corruption, land, transitional justice and human rights;
 - Medical superintendent;
 - the Local Government representatives; and
 - co-opted members of the public as need arises.

Institutional representation to the DCC

- 15.**(1)Each JLOS institution shall nominate one representative to the committee and an alternate person who may attend meetings in the absence of the substantive member.
(2) Notwithstanding sub-clause (1) of this clause, Assistant Registrars of High Court Circuits and all magistrates in the district, Resident State Attorneys, District Police Commander, District Prison Commander and District Criminal Investigation officer shall be members of the committee.
(3) Each district chain linked committee may have between 10 and 35 members depending on the number of agencies

Management of the DCC

present in the district.

16. (1) A DCC shall be chaired by the most senior judicial officer in the district.

(2) Every JLOS committee at the district shall elect a chairperson, an alternate chairperson and a secretary who will serve for two financial years and each of them is eligible for re-election.

(3) In the event of transfer, resignation, suspension, dismissal, retirement or death of an office holder, the incoming replacement will assume the position held by his or her predecessor until the end of term of the person who left the district.

(4) The chairperson shall be a person from a core JLOS institution and shall preferably be a Chief Magistrate and in Districts without a Chief Magistrate a Magistrate Grade I or any representative of a core JLOS institution as the committee deems fit.

(5) The secretary shall be selected from a core JLOS institution and he or she shall coordinate the meetings of the committee.

(6) The chairperson and secretary shall not be from the same sector institution.

Role of DCCs

17. The District Chain linked Committees shall:

- a) oversee and coordinate improvements in the administration of justice and maintenance of law and order;
- b) enhance case management and reducing case backlog;
- c) address issues relating to the JLOS focus areas of criminal and civil justice, child justice, anti-corruption, land, transitional justice and human rights
- d) conduct district level monitoring of JLOS activities and inspect or visit offices of JLOS agencies;
- e) be the focal point for JLOS district activities;
- f) undertake civic, public education and outreach programmes
- g) iron out misunderstandings between stakeholders and enhance cooperation, coordination and communication among stakeholders;

Meetings

- h) create an open and safe environment in which it is possible to discuss each other's performance, strength and weaknesses;
- i) undertake periodic reporting to the JLOS Technical committee through the JLOS Secretariat with copy of the report to the committee patron who is the resident Judge of the High Court circuit;
- j) strive to remove impediments in the chain of justice and provide periodic updates on pending cases involving vulnerable groups such as women and children;
- k) organize JLOS open days in the areas of their jurisdiction; and
- l) ensure that all institutions respect, observe and promote the bill of rights in the Constitution of the Republic of Uganda, 1995 (as amended) with regard to timely delivery of justice, fair trial and rights of suspects and persons in detention.

18. (1) A DCC shall meet once every month.

(2) Every DCC shall hold meetings from time to time for peer review and deliberation on issues affecting JLOS institutions in delivering services to the stakeholders and also ensure that vulnerable groups such as women and children are prioritised.

(3) The Committee may create sub-committees based on focus areas of civil justice, criminal justice, child justice and human rights.

(4) A sub-committee shall meet at least once in two months to provide input into the DCC proceedings.

(5) Each institution shall provide a report on progress against key issues, action taken, and what needs to be reviewed at RCC level at every committee and or sub-committee meeting.

(6) Unless otherwise stipulated, each committee shall develop its rules of procedure for the meetings and shall regulate own proceedings.

Committee Chairperson

- 19.** (1) The Chairperson shall be the overall coordinator of the DCC and JLOS stakeholders in the District.
 (2) The Chairperson shall be the overall accounting officer of all funds received.

Committee Secretary

- 20.** (1) The Secretary shall
 (a) coordinate stakeholder meetings;
 (b) take minutes of meetings;
 (c) prepare quarterly committee reports for submission to JLOS secretariat with copies to the chairperson of the RCC; and
 (d) in conjunction with the Chairperson, prepare and submit accountabilities of all funds received.

Case Management Committees at DCC level

- 21.** (1) There shall be a Case Management Committee (CMC) at the district level in order to promote issue-based coordination, cooperation and collaboration among core JLOS institutions.
 (2) The Case Management Committee shall provide a smaller forum for discussion and resolution of systemic and operational challenges to the delivery of justice in a specified sphere of justice.

Membership of the CMC

- 22.** Membership will include, Court, DPC and OC CID, prisons, DPP, probation, J4C coordinator, Legal aid service providers, UHRC, Uganda Law society, medical superintendent and MoJCA where appropriate.

Role of the Case Management Committee

- 23.** The Case Management Committee which draws together core institutions in the delivery of a service shall report to the DCC and shall be-
- (a) characterised by coordination of the chain of JLOS institutions coming together from entry to exit;
 - (b) exemplified by the cooperation of JLOS agencies and stakeholders working together to identify bottlenecks in the administration of justice and maintenance of law and order and devising local level solutions to address them, followed by peer review to compel actors to take action; and

Funding and accountability

C) facilitated by communication in an open and transparent manner about challenges being faced in dispensing justice and the identification of local issues affecting administration of justice and maintenance of law and order.

- 24.** (1) The Government of Uganda, through the JLOS secretariat shall fund the Committee activities.
 (2) Funds shall be released quarterly based on an approved work plan.
 (3) Funds shall be used to facilitate meetings of the committee, community sensitization, as well as monitoring and inspection.
 (4) The committee shall discuss and pass the accountability report and progress report and minutes of the meetings shall be proof of the discussion.
 (5) Each committee secretary will prepare and submit quarterly accountabilities with original invoices, receipts and payment vouchers as well as minutes of the committee meetings and progress reports to the JLOS secretariat for the attention of the Technical Advisor Monitoring and Evaluation, JLOS Secretariat, Ministry of Justice and Constitutional Affairs, Kampala.

Reporting and Feedback Mechanisms

- 25.** 1) The DCC shall report monthly to the Board through the RCC and quarterly to the JLOS Technical Committee through the JLOS Secretariat.
 (2) The Technical Committee will reserve one meeting in every quarter to discuss reports of the DCCs and regional implementation reviews will complement Sector Secretariat feedback to the DCCs.
 (3) The Chairperson and Secretary of each committee shall prepare and submit quarterly reports of what they were able to undertake, the issues arising from the district, how the Committee resolved these issues and recommendations on matters that may be beyond its role or mandate and which need immediate attention or policy guidance.

4) The quarterly reports shall be submitted to the Technical Committee through the JLOS Secretariat and addressed to:

The Technical Advisor (Monitoring and Evaluation)

The Justice Law and Order Sector Secretariat
 Ministry of Justice and Constitutional Affairs
 4th Floor Queens Chambers
 Plot 1 Parliament Avenue
 P.O. Box 7183
 Kampala.
 Telephone: 0414 253207 | Direct: 041423406
 Email: info@jlos.go.ug

ANNEX : PERFORMANCE STANDARDS AND GUIDELINES FOR JLOS AGENCIES

	Key Activity	Performance Guidelines
1	Investigation and Mentioning practice	<ol style="list-style-type: none"> 1. The court shall ensure that no minor offences are mentioned for more than 3 months. 2. The prosecution shall ensure that all investigations for capital offences are completed within 6 months. 3. The court shall set separate days for hearing criminal and civil cases. 4. Warrants of arrest in single cases should be made no more than 3 times after which non capital cases should be terminated pending re-arrest. 5. The court shall refer all inactive capital cases that have been pending for more than 360 days to the DPP for action. 6. The prosecution shall make applications for warrant of arrest simultaneously with an application for criminal summons to surety (if any)
2	Arrest and arraignment	<ol style="list-style-type: none"> 1. A person shall not be held at a police station for more than 48 hours. 2. A court clerks shall promptly extract a warrant of arrest or other court documents to be followed up by prosecutors and investigators. 3. As far as possible investigators shall be completed before arrest and charge. 4. All police files shall be sanctioned by a Resident State Attorney before registration in court to control back log. 5. For all files requiring amendment, a Resident State Attorney shall remit a file direct to the Officer in Charge of Prosecution with ready amended charge. 6. All criminal cases other than minor contraventions cases from police posts shall go to court through the police stations where their criminal register book is. 7. The police shall draw charge sheets for juveniles in accordance with the law and copies sent to probation and court.
3	Bail and Remand	<ol style="list-style-type: none"> 1. The prosecution may, with good reasons, oppose a bail application and the court shall record the reason for the opposition and its decision. 2. Each officer in charge of a prison shall submit monthly returns to the Commissioner General of Prisons with copies to a Chief Magistrate and Resident State Attorney within one week after the end of the month. 3. Each officer in charge of a prison shall adhere to a remand warrant. 4. Courts shall issue remand warrants promptly and prison officers shall act on them promptly. 5. A juvenile shall not be remanded in a prison for adults. 6. A court shall not demand for formal technical application documents in a bail application. 7. The court and prison officers shall adhere to statutory mandatory remand periods.

	Key Activity	Performance Guidelines
		<ul style="list-style-type: none"> 8. The name of the prison to which the accused is remanded shall always be indicated both on the court file and remand warrant. 9. Prosecutors shall record full particulars of sureties on police practice files. 10. Police and prisons shall take leading role in cases of recidivism for appropriate action. 11. Police shall liaise with Local Council officials and complainants to trace defaulting accused and sureties.
4.	Hearing and Disposal of cases in court	<ul style="list-style-type: none"> 1. The court shall conduct hearings on a day to day basis once inquiries are complete. 2. The court shall ensure that the entire criminal proceedings of a non-capital offence takes less than 4 months. 3. Court shall prioritize cases related to children especially of gender based violence and defilement. 4. After committal, a capital case shall take a maximum of 12 months. 5. All courts shall adhere to public service standing orders on court working days and time. 6. The court shall minimize frequent of adjournment of cases and the reasons for adjournment shall be recorded by the court. 7. The court shall ensure that the hearing of a minor offence commences on day of plea and the police shall summon witnesses promptly. 8. Witnesses present in court shall be heard whenever and wherever practicable. 9. The court may, where appropriate, award an alternative sentence other than imprisonment. 10. In congested prisons convicts may, where appropriate, be promptly transferred to prison farms and maximum security prison. 11. The prosecution shall minute police files to guide investigating offices and vice versa. 12. Complainants and other stakeholders shall be utilized to secure attendance of witnesses and the witness summons shall indicate the courtroom and the time of attendance.
5.	Establishing monitoring systems	<ul style="list-style-type: none"> 1. Each category of court order including production warrant and arrest warrants shall have a separate register maintained by each criminal justice agency. 2. Joint interagency meetings between relevant staff shall be held at least once a month. 3. Police and prisons officers shall utilize court files movement register to update police files not remitted in time and dates for remand warrants. 4. The court shall provide cause lists for cases at the court and issue copies to all heads of JLOS agencies by Thursdays indicating court, police reference, etc.

	Key Activity	Performance Guidelines
		<ul style="list-style-type: none"> 5. The DCC shall review each JLOS institutions' adherence to constitutional standards and statistical data. 6. Uniform data entry forms shall be introduced for each agency. 7. The court shall register capital and minor offences in separate registers and list them by year of registration. 8. Joint monthly statistical reports shall be compiled for the procedure agencies using a joint data centre. 9. Record keeping shall be improved through training records personnel and regular supervision. 10. DCCs shall conduct regular inspections of JLOS agencies and places of detention including police cells, prisons and remand homes.

Supported by:



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