

THE CONSTITUTION OF THE REPUBLIC OF UGANDA.

Statutory Instrument—Constitution 8.

The Constitution (Uganda Human Rights Commission) (Procedure) Rules.

Arrangement of Rules.

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THE CONSTITUTION OF THE REPUBLIC OF UGANDA.

Statutory Instrument—Constitution 8.

The Constitution (Uganda Human Rights Commission) (Procedure) Rules.

(Under article 52(3)(a) of the Constitution.)

1. Citation.

These Rules may be cited as the Constitution (Uganda Human Rights Commission) (Procedure) Rules.

2. Application.

These Rules shall apply so far as practicable to all proceedings of the commission under the Act.

3. Interpretation.

- (1) In these Rules, unless the context otherwise requires—
 - (a) “Act” means the Uganda Human Rights Commission Act;
 - (b) “commission” means the Uganda Human Rights Commission;
 - (c) “currency point” has the value specified in the First Schedule to these Rules;
 - (d) “next friend” means a parent, brother, sister or guardian of a minor.

(2) Unless the context otherwise requires, terms and expressions used in these Rules and defined in the Act have the same meanings as assigned to them in the Act.

4. Complainants.

All persons claiming any right to relief in respect of a violation of any human right or freedom may apply to the commission for redress whether jointly, severally or in the alternative and may be joined in one complaint where if those persons brought separate claims there would arise a common right violated.

5. Order of separate hearings.

Where it appears to the commission that any joinder of the complainants may embarrass or delay the hearing or cause a miscarriage of justice, the commission may order separate hearings or make such other order as may be expedient.

6. Respondents.

All persons against whom there is a claim or any right to relief in respect of a violation of any human right or freedom, whether jointly or severally liable or in the alternative, may be joined where if separate complaints were brought against them there would arise a common violation of a particular right or freedom.

7. Claims from two or more respondents.

Where the complainant is in doubt as to the person from whom he or she is entitled to obtain redress, he or she may claim from two or more respondents in order that the question as to which of the respondents is liable and to what extent may be determined between all parties.

8. Representative actions.

(1) Where there is more than one person having the same human right or freedom claim, any one or more of those persons may, on written authority signed by each of the interested persons and with the permission of the commission, complain to the commission on behalf of all.

(2) The commission shall, in a case brought under this rule, give notice of the complaint filed to all interested persons either by personal service or where from the number of persons or any other cause personal service is not reasonably practicable, by such public advertisement as the commission may in each case direct.

(3) Any person on whose behalf a claim to a right is instituted under subrule (1) of this rule may apply to the commission to be joined as a party to the claim or complaint.

9. Misjoinder or nonjoinder.

No claim to a right may be defeated by reason of a misjoinder or nonjoinder of parties; and the commission may, in any claim, deal with the right in dispute so far as regards the rights and interests of the parties actually before it.

10. Claim in the name of wrong complainant.

(1) Where the claim has been filed in the name of a wrong person as complainant, or where it is doubtful whether it has been filed in the name of the complainant, the commission may, at any stage of the hearing, if satisfied that the claim has been filed through a bona fide mistake, and that it is necessary for the determination of the real claim to a right in question, order any other person to be substituted or joined as complainant upon such terms as the commission thinks fit.

(2) No person may be joined as a complainant or next friend of a complainant under any disability without the consent of that person.

11. Commission may strike out or join parties.

(1) The commission may, at any stage of the proceedings, either of its own motion or on application made for the purpose by any person and on such terms as may appear to the commission to be just, order that the name of any party improperly joined be struck out.

(2) The commission may order that the name of any person whose presence is necessary in order to enable it to settle effectively a claim to any violation of a human right or freedom be joined.

(3) Where the complainant or respondent is struck out before the hearing of the claim, a notice to that effect shall be served upon him or her before the date fixed for the hearing.

(4) Where the respondent is joined or substituted, an amended copy of the summons shall be served on the new respondent and on the first respondent.

12. Complaint.

(1) Subject to subrule (2) of this rule, where a person not being represented by an advocate desires to file a complaint, he or she shall state

either orally or in writing as may be directed by the commission, the nature of the claim against the respondent.

(2) Where the complaint is stated orally the commission shall record the substance of it in writing.

(3) Where a person who desires to file a complaint is represented by an advocate, the statement of the claim of violation against the respondent made under this rule shall be in writing.

(4) Notice of the substance of the complaint made under this rule shall be served upon the respondent either together with or incorporated in the summons requiring him or her to attend the commission at the time and place specified in the summons for the hearing of the complaint.

(5) A notice served upon the respondent under this rule shall declare that if the respondent does not appear before the commission on the day fixed for the hearing, the complaint may be decided ex parte.

(6) A notice of the time and place for the hearing of a complaint filed under this rule shall be served on the parties.

(7) At any time after the issue of summons, either party may, on application to the commission, obtain summons for witnesses whose attendance to give evidence may be required.

(8) If the commission has initiated the investigation in accordance with section 7(1)(a) of the Act, the commission shall issue a summons to any person who can give evidence as required.

13. Service on the parties.

(1) Where a complaint has been properly filed with the commission, notice of the substance of the complaint shall be served upon the respondent either together with or incorporated in the summons requiring him or her to attend the commission for the hearing at a time and place specified in the summons.

(2) A notice of the time and place of the hearing of a complaint filed under this rule shall be served on all parties.

(3) A notice served upon the parties notifying a hearing date shall declare that if the complainant or the respondent does not appear before the commission on the day fixed for the hearing, the complaint may be decided ex parte.

14. Issue of witness summons.

(1) Prior to the date for hearing of a complaint, the commission shall issue summons requiring attendance at a date, time and place specified in the summons of such witnesses as may be required.

(2) At any time before the hearing or after the commission has issued summons, either party may, on application to the commission, obtain summons for witnesses whose attendance to give evidence may be required.

15. Mode of service.

(1) Every witness summons or any other notice requiring service shall, if practicable, be served personally on the person summoned or notified by delivering or tendering to him or her a duplicate of it and at the same time producing the original if so required.

(2) Every person upon whom a summons or notice is served shall sign or put his or her mark in recognition of the receipt of the summons or notice, upon the back of the original of the summons or notice; and if he or she refuses to do so, the person who has effected service of the summons or notice shall record in writing the refusal.

(3) Where it is not practicable or possible to effect personal service of a summons or notice in the manner provided by subrules (1) and (2) of this rule, service of the summons or notice may be made by—

- (a) leaving the duplicate of it for him or her with any adult person residing with him or her, some adult member of the family, or with his or her employer or his or her employee;
- (b) affixing the duplicate to some conspicuous place in the house or homestead in which the person summoned ordinarily resides or by affixing the duplicate in some conspicuous place in his or her office or work place and also to some conspicuous place in the commission, and the summons or notice shall then be taken to have been duly served; or
- (c) by publishing in a newspaper circulating in the relevant area or

any other media, the particulars of the summons or notice.

(4) Every summons or notice issued under these Rules and requiring service shall be served by an officer of the commission or any other person authorised to do so such as a chief, a local council official or a police officer.

(5) Any process served on the advocate of any party whether by registered post or by leaving it at the registered office or ordinary residence of the advocate and whether it is for the personal appearance of the party or not shall be presumed to be duly communicated and made known to the party whom the advocate represents and, unless the commission otherwise directs, shall be as effectual for all purposes as if it had been served on the party in person.

16. Failure to obey summons by witness.

(1) Where without sufficient cause a witness does not appear in obedience to the summons, the commission may, on proof that the proper service had been effected on the witness, issue a warrant of arrest for the witness to be brought before the commission at a date, time and place specified in the warrant.

(2) A witness arrested under a warrant and brought before the commission may be committed in custody for a period not exceeding fourteen days for production at the required hearing.

17. Nonappearance of complainant.

If on the day fixed for the hearing of a complaint the respondent appears in answer to the summons but the complainant does not appear, the commission shall, if satisfied that a notice of the time and place for the hearing has been duly served upon the complainant, ask the respondent whether he or she admits the claim; and—

- (a) if the respondent admits the claim or any part of it, the commission may make a decision against him or her for the claim or that part of it as he or she admits; or
- (b) if the respondent does not admit the claim, the commission may dismiss the complaint or proceed to hear the complaint or adjourn the hearing to another date; and when another date is fixed for the hearing, the commission shall cause a notice to be served on the complainant and the respondent requiring each to attend the

commission at the time and place specified in the notice.

18. Nonappearance of respondent or both parties.

(1) If on the date fixed for the hearing the respondent does not appear, the commission may, if satisfied that a summons or notice notifying the respondent of the time and place for the hearing has been duly served upon the respondent, proceed to hear the evidence of the complainant, if any, and if satisfied that the complainant has established his or her claim in whole or in part shall make a decision for the complainant accordingly.

(2) If on the day fixed for the hearing or any date to which the hearing of the complaint is adjourned neither party appears, the commission may order that the complaint be dismissed.

(3) Where a complaint is dismissed under this rule, the complainant may bring a new complaint upon satisfying the commission as to the reasons why he or she did not appear at the previous sitting.

19. Setting aside decision taken in the absence of a party.

(1) Subject to subrule (2) of this rule, where a decision has been given against a party under rule 18 of these Rules the party against whom the decision was given may notify the commission of the reasons which prevented his or her attendance at the place and time fixed for the hearing.

(2) If the commission is satisfied that there are good and sufficient reasons for the absence of the party, and that the matter as recorded merits consideration, it may, upon such terms and conditions as it thinks fit, set aside the decision and fix a new date for the hearing of the complaint and shall give due notice of the new date for the hearing to both parties.

(3) No decision may be set aside under this rule where the commission is satisfied that the party against whom the decision was taken was duly served with the hearing notice, unless the notification under subrule (1) of this rule is made within thirty days from the date on which the decision was given.

20. Procedure on appearance of both parties.

On appearance of both parties before the commission, the respondent shall

be asked by the commission whether or not he or she admits the claim of the complainant, and if—

- (a) the respondent admits the claim in its entirety, the decision shall be given confirming the violation of the human right or freedom as alleged by the complainant; and the commission shall make the appropriate orders in the circumstances in favour of the complainant; or
- (b) the respondent does not admit the claim or admits it only in part, the commission shall proceed to hear the evidence of the parties.

21. Hearings.

(1) Unless the commission otherwise orders, the evidence of the complainant shall be heard first, followed by that of his or her witnesses if any.

(2) At the close of the evidence of the complainant and that of his or her witnesses, the respondent or his or her advocate shall be given the opportunity of cross-examining the complainant or his or her witnesses.

(3) At the close of the evidence of the complainant or that of his or her witnesses, the evidence of the respondent shall be heard, followed by that of his or her witnesses, and the complainant or his or her advocate shall be given the opportunity to cross-examine the respondent and each of his or her witnesses.

(4) The commission may, at any time, put questions to either party or to any witness and may, at its discretion, call such additional evidence as it considers necessary.

(5) The commission may, for sufficient reason, at any time before or after beginning to hear the complaint, adjourn the hearing; and in every such case the commission shall fix a day for further hearing of the complaint.

22. Evidence to be recorded.

The evidence of the parties and that of each witness shall be taken down in writing by the commission or by any person authorised to do so by the commission in narrative form and not in the form of question and answer.

23. Decision.

(1) After concluding the hearing of the evidence and submissions where applicable, the commission shall give a decision based on a balance of probabilities.

- (2) The decision shall be in writing and shall contain—
- (a) the nature of the complaint;
 - (b) the nature of the evidence;
 - (c) a summary of the relevant evidence produced before the commission and the reasons for the commission's accepting or rejecting the evidence;
 - (d) the remedy if any to which the complainant is entitled; and
 - (e) the order of the commission necessary to enforce the remedy.

(3) Where the decision is not given immediately after the hearing of all the evidence, the commission shall notify the parties or their advocates of the date on which the decision is to be given.

- (4) The decision may be given—
- (a) in favour of one or more of the complainants as may be found to be entitled to relief;
 - (b) against one or more of the respondents as may be found to be liable according to their respective liabilities.

24. Execution of commission's orders.

For the execution of orders of the commission, the rules of court applicable to the execution of orders of the High Court shall apply subject to any modifications made by the Chief Justice by statutory instrument in consultation with the commission under section 20 of the Act.

25. Commission's proceedings to be open to public.

The commission's proceedings shall be open to the public unless otherwise directed by the commission; and the reasons for the direction shall be recorded in writing.

26. Person before the commission to give evidence or produce documents.

Any person appearing before the commission may be required to give

evidence or to produce any document in his or her possession or under his or her control.

27. Where functions of the commission to be performed.

Any function which is conferred by these Rules upon the commission may, unless it is otherwise provided expressly or by necessary implication, be performed by the commission in any premises in which the commission ordinarily sits or elsewhere.

28. Records.

The following records shall be kept in the commission—

- (a) the serial number of the complaint;
- (b) the date of the complaint;
- (c) the name and address of the complainant;
- (d) the name and address of the respondent;
- (e) a brief description of the complaint;
- (f) the date of the hearing;
- (g) the names of witnesses;
- (h) the decision or order of the commission and the date on which it was made;
- (i) the date when the remedy was executed; and
- (j) the particulars of execution of the decision or order.

29. The registrar.

(1) The head of the legal and complaints department of the commission shall be the registrar of the commission and shall have custody of the records of the commission.

(2) The registrar shall be the taxing master of the commission.

30. Commission not to charge fees.

There shall be no fees levied for filing a complaint.

31. Forms.

The forms set out in the Second Schedule to these Rules with such variations as the circumstances of each case may require may be used for the purposes

mentioned in those forms.

32. High Court Rules to apply where provision not made.

In respect of any matter relating to the proceedings of the commission where these Rules have not expressly or by necessary implication made provision, the rules of court applicable to the High Court shall apply to any such matter subject to section 20 of the Act.

SCHEDULES

First Schedule.

rule 3.

Currency point.

A currency point shall be equivalent to twenty thousand shillings.

Second Schedule.

rules 4, 14, 16, 31.

Forms.

rules 14, 31.

Republic of Uganda

Form 1.

Witness Summons.

The Uganda Human Rights Commission.

*(Under rules 14 and 31 of the Uganda Human Rights Commission
(Procedure) Rules.)*

At _____

Complaint No. _____ of 20 ____

_____ Complainant

and

_____ Respondent

Witness Summons.

To: _____

Whereas your attendance is required as a witness on behalf of the _____
_____ into the above claim, you are by this
summons required to appear before this commission on the _____ day of
_____, 20 ____, at _____ o'clock in the forenoon/afternoon
and to bring with you (*or* to send) to this commission _____

Dated this _____ day of _____, 20 ____

Chairperson/Commissioner/Registrar

rules 16, 31.

Republic of Uganda

Form 2.

Warrant of Arrest of Witness.

The Uganda Human Rights Commission.

*(Under rules 16 and 31 of the Uganda Human Rights Commission
(Procedure) Rules.)*

At _____

Complaint No. _____ of 20 ____

_____ Complainant

and

_____ Respondent

Warrant of Arrest of Witness.

To: _____

Whereas _____
has been duly served with summons but has failed to attend (absconds and
keeps out of the way for the purposes of avoiding service of summons).

You are by this warrant ordered to arrest and bring _____
before the commission.

You are further ordered to return this warrant on or before the _____ day of
_____, 20 ____, with an endorsement certifying the day on and
the manner in which it has been executed.

Given under my hand and the seal of this commission on this _____ day of
_____, 20 ____.

Chairperson/Commissioner/Registrar
rules 14, 31.

Republic of Uganda

Form 3.

Summons and Hearing Notice.

The Uganda Human Rights Commission.

*(Under rules 14 and 31 of the Uganda Human Rights Commission
(Procedure) Rules.)*

At _____

Complaint No. _____ of 20 ____

In the matter of

_____ Complainant

and

_____ Respondent

Summons and Hearing Notice.

To: _____

Whereas the above-named complainant has instituted a claim against the
above-named respondent(s) for _____

You are required to appear in this commission on the _____ day of
_____, 20____, at _____ o'clock in the forenoon/afternoon
and to bring your witnesses with you.

If no appearance is made by you or by a person authorised by law to act for
you the case may be heard and decided in your absence.

Dated this _____ day of _____, 20 ____

Chairperson/Commissioner/Registrar

rule 31.

Republic of Uganda

Form 4.

Release Order.

The Uganda Human Rights Commission.

*(Under article 53(2)(a) of the Constitution of the Republic of Uganda and
rule 31 of the Uganda Human Rights Commission (Procedure) Rules.)*

At _____

Complaint No. _____ of 20 ____

In the matter of

_____ Complainant

and

_____ Respondent

Release Order.

To: _____

Whereas _____ has been
in your custody, since the _____ day of _____, 20 ____, and
whereas the commission is satisfied that he or she is being unlawfully
detained and/or restricted, this is to direct you to cause the immediate release
of _____ from your custody for
failure of which you may be liable for contempt under article 53(1)(d) of the
Constitution.

Dated this _____ day of _____, 20 ____

Chairperson/Commissioner/Registrar

rule 31.

Republic of Uganda

Form 5.

Warrant of Committal for Contempt.

The Uganda Human Rights Commission.

(Under article 53(1)(d) of the Constitution of the Republic of Uganda and rule 31 of the Uganda Human Rights Commission (Procedure) Rules.)

At _____

Complaint No. _____ of 20 ____

In the matter of

_____ Complainant

_____ Complainant

and

_____ Respondent

Warrant of Committal for Contempt.

To: _____

The officer in charge of the prison at _____

Whereas _____ has been found guilty of the
offence of contempt by the commission on this _____ day of _____,
20 ____, and has been condemned to serve a prison term of

You are required to take and receive _____
into prison and keep him or her imprisoned there for a period not exceeding
_____.

Dated this _____ day of _____, 20 ____

Chairperson/Commissioner/Registrar

Republic of Uganda

Form 6.
Complaint Form.
The Uganda Human Rights Commission.

Complaint No. _____
For official use only

Part I.

1. Information about the complainant
 - (a) Names _____
 - (b) Place and date of birth _____
 - (c) Nationality _____
 - (d) Profession/Occupation _____
 - (e) Present address _____

Part II.

2. Are you complaining as—
 - (a) a victim of the violation(s) stated below? ☐
 - (b) appointed representative/legal counsel
of the alleged victim(s)? ☐
 - (c) other ☐
3. If box 2(c) is marked, please explain and/or state—
 - (a) In what capacity are you acting on behalf of the victim(s)?

 - (b) Why is/are the victim(s) unable to submit the complaint personally?

 - (c) Name of the victim(s) _____

- (d) Nationality of the victim(s) _____
- (e) Whether victim(s) is/are adult or minor _____
- (f) Present address or whereabouts of victim(s) _____

Part III.

Particulars of the person(s)/institution(s) complained against—

- (a) Name(s) of person(s), institution(s) against whom the complaint is made _____
- (b) Address(es) (if known) _____
- _____

Facts of the complaint.

Please give a detailed description of the facts of the alleged violation or violations, including relevant dates. If the space provided is not enough add as many pages as needed for description.

Date

Signature of the Person Lodging the Complaint

History: S.I. 22/1998.

Cross Reference

Uganda Human Rights Commission Act, Cap. 24.
