



**REPORT ON CAPACITY BUILDING TRAINING  
FOR LOCAL COUNCIL OFFICIALS & REFUGEE  
WELFARE COMMITTEES ON THE PROVISION OF THE  
LOCAL COUNCIL COURTS ACT, 2006 AND RWC  
GUIDELINES TO ENABLE THEM PROPERLY HANDLE  
CASES IN THE VILLAGE & CLUSTER LEVELS**

**TRAINING CONDUCTED IN ARIWA & NGURUA CLUSTERS  
RHINO CAMP SETTLEMENT, ARUA DISTRICT**

**FROM 3<sup>rd</sup> – 6<sup>TH</sup> OCTOBER 2017**

**FACILITATED BY: MR. ALITIA ELIA (ARIWA) & MR. ANDAMA ALFRED  
(NGURUA)**

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## PREAMBLE

The CENU–ZOA training on capacity building for local council officials and Refugee Welfare Committees was in respect to “**Support Program for Refugee Settlements and Hosting Communities in Northern Uganda (SPRS–NU)**”, a project implemented under the European Union Emergency Trust Fund (EUTF) by ZOA, DRC, SAVE THE CHILDREN and CEFORD. The fundamental objective of the training was to build capacity of local council officials (LCs) and RWCs on the operations and jurisdiction of the Local Council Courts in accordance with the Local Council Court Act 2006 to enable them competently adjudicate cases through formal courts or by using the informal approaches as an Alternative form of dispute resolution between refugees and host communities.

## JUSTIFICATION FOR ORGANIZING THE TRAINING

All we can report is this training came timely. It’s hard to imagine the local council & RWC officials were operating on the pure doctrine of trial and error simply because no organ of government or institution offered to build their capacity to do their job, until the coming of ZOA. The majority of the members have received a training like this for the first time. Many saw the local council court and RWC guidelines, let alone, hear anything inside it for the very first time, meaning all they were doing was informed by their conscious, or previous personal experience but not the law that ought to have directed their work, operations and powers. No wonder, many LCs move with their official

stamps to their drinking joints or trading centers in order to serve anybody who needs a letter from them. Some have written special letters (animal movement permits with constant description black and white in color, without minding differences in colors of animals, or the reasons for moving the animal to a particular place, Some confer the responsibility of writing an introduction letter to the deponent, so a thief definitely can be fair to himself and say very clear attributes about him and his intentions while he courageously moves on to abuse the words in the introduction letter. Again other LCs partner with criminals to steal animals for sale (by the time this training was going on, one LC from a neighboring cluster was actually in police cell for conspiring with thieves to sell stolen goats), others convert lost animals for their own use without following the due process of disseminating information on the animal to the public or issuing sufficient notices to other authorities, some join mob actions and charge to kill suspects of poison or other serious offenders in their community, many are drunkards and experts in social misbehavior such as yelling, (public nuisance), urinating sporadically, fighting their spouses and children, irresponsibly neglecting family roles and responsibilities, etc... You can imagine! Therefore, a very huge tribute to ZOA for this very important training, the participants said they were now properly informed. So all of them pledged to go back to reform, correct and change their way of work, personal conduct, management of their office and courts.

## **EXPECTATIONS OF PARTICIPANTS**

As the general practice, before the participants were taken through the various areas in this training, they were given a chance to detail their expectations on the matters relating to operation of local council courts and general challenges the LCs and RWCs face in their work.

They raised mixed expectations with some touching the training objectives and content while others were general expectations as outlined below:

### **LC & RWC related expectations (Core)**

- I. One of the participants expected to understand how to handle courts at Local Council level.
- II. Another participant wanted to understand the legal (civil & criminal) and pecuniary jurisdiction of the Local Council Courts.
- III. A participant expected to know the relationship between youth structures and the local council courts in villages.
- IV. A participant expected to know how long (overall duration) of handling LC courts and who sit in the courts (composition of LC courts).
- V. A participant from RWC wanted to know the powers of RWCs in the camps and whether they can issue official letters to their people.

- VI. Another participant wanted to know the initial steps the LC Courts should follow to: start, proceed and conclude cases in LC Courts.
- VII. Another participant asked to know the role of police in LC courts.

### General expectations/Fears

- I. Majority of the participants expected to receive handouts after the training and particularly copies of the Local Council Courts Act 2006 and RWC guidelines to continue reading for additional knowledge.
- II. They expected to be provided T-Shirts labeled with training subject.
- III. One of the participants expected to be given transport reimbursement after the training.
- IV. They generally expected good facilitation from the facilitator.
- V. Others feared whether the food will be enough because many uninvited people turned up for the training.

## REPLY TO THE EXPECTATIONS

**Facilitator:** The Facilitator assured the participants that all their expectations raised above shall be met with considerable satisfaction but called upon the members to pay attention, be active, interactive and ask every question they have to ensure the training achieves its objective of building capacity of LCs and RWCs and also to obtain value for money by ZOA.

**ZOA representative:** The Community based Paralegal present assured members that lunch and transport refund will be given to the participants but called for active participation in the training.

## TRAINING OBJECTIVES

Overall objective of this training was to build capacity of the Local Council officials and Refugee Welfare Committees through understanding the operations and jurisdiction of the Local council courts in accordance to the Local Council Courts Act, 2006, Laws of Uganda.

Other than the LC Courts, the participants were expected to understand the general overview of the Courts of Judicature in Uganda (Supreme court, Court of Appeal/Constitutional court, High Court and its divisions, Magistrate Courts, Small Claims courts, LC Courts), their composition, jurisdiction and appellate powers because it helps them

explain the right of appeal to a party that is aggrieved with the decision of the LC courts and where next that complainant can seek further redress.

It was also aimed at helping the participants appreciate the benefits of using Alternative Dispute Resolution (ADR) mechanisms in resolving Conflicts to promote peaceful co-existence in their communities.

### **Specific objectives**

- I. To deepen the participants understanding and share their experiences on operation, composition, jurisdiction and general practices as well as concerns in local council courts.
- II. To help participants understand the rights of suspects (accused or defendant) and complainants (plaintiffs) before the LC Courts.
- III. To enable participants understand key terminologies and procedures used in courts of law and in the Act such as (Plaintiff, Defendant, exhibit, declaration, decision, appeal, arrest, discharge, etc) to apply them appropriately and without displaying legal error in interpretation of the local council court Act.
- IV. To build the participant's skills in evidence gathering, proof of evidence, rules of admission of evidence, oral or material evidence, witnesses and their rights, safeguard and use of evidence in LC courts.

- V. To resolve pre-conceived, legal, or tradition/customary misconceptions and myths about courts of law and their bare meaning to ordinary people.
- VI. Lastly, to critically discuss challenges facing local council courts and discuss workable solutions that can be applied to ensure the LC Courts are not exploitative, rudimentary and frightening for people to file their suits.

## **METHODOLOGY**

- Participatory lectures were undertaken to deliver training content to stimulate interest, build active participation aimed at creating maximum training impact.
- Role plays & training game time activities kept the participants active, focused and concentrated throughout the training.
- There was an interesting “trial moot” session that was used to practically follow the legal proceedings that take place in LC courts following a tactical “problem question” that was developed by the facilitator to enable the participants appreciate the procedures, quorum and decora (code of conduct) in LC Courts.
- Sessions of group discussion to generate participant’s deeper understanding of certain training areas also provided an opportunity for expression of views in confidence for inclusive participation.

- Exercises generated the level of understanding of the content delivered.
- Sharing of personal experiences presented an opportunity for the nationals and RWCs to share challenges they face from either side in resolving conflicts.
- Question and Answer sessions engaged the participants in active debate, probed understanding and was a useful tool of needs assessment throughout each stage of the training.

## TRAINING OUTPUTS

- Whereas more participants turned up for the training, the planned 107 participants from each cluster benefited from the training and all the earmarked participants were in attendance from both refugee and host communities throughout the four day session.
- All the planned lectures were delivered during the four days of the training.

### Participant summary

Category	Number		Total		Total
	Ariwa	Ngurua	Male	Female	
Refugee	15	7	16	12	50
National/host community	24	9	17	7	57
<b>Total participants</b>	<b>39</b>	<b>16</b>	<b>33</b>	<b>19</b>	<b>107</b>

## LAYOUT OF TRAINING PROGRAM

The planned content of the training was delivered as guided by the program outlined below.

TIME	ACTIVITY	RESPONSIBLE
<b>Day 1 program</b>		
8:00–9:00am	Arrival & Registration of participants	Co-facilitators
9:00–9:30am	Welcome & Introductions	Co-facilitators
9:35–9:40am	Official opening remarks	ZOA
9:40–10:00am	Expectations, Fears, ground rules, Logistical issues & training Objectives	Facilitator / ZOA
<b>HEALTH BREAK</b>		
10:20–10:40am	Definitions of key terminologies used in Courts of law	Facilitator
10:40–11:40am	Overview of the courts of Judicature in Uganda, their composition, jurisdiction, structures and divisions, appellate functions	
11:40–12:30pm	Reflections and sharing of experiences	
<b>LUNCH BREAK</b>		
2:00–3:00pm	Understanding the Local Council structures (roles, composition and powers)	Facilitator
3:00–4:00pm	Introduction to the Local Council Courts Act, 2006 Trial moot session to reflect on the operations of the	

4:00–4:30pm	LC courts as before the training. Reflections & sharing of personal experiences, Closure of day 1	
<b>Day 2 Program.</b>		
8:30–9:00am	Arrival & Registration of participants	Co facilitators
9:00–9:30am	Recap of day one learning	Facilitator
9:30–10:00am	Comprehensive coverage of the various provisions of the Local Council Courts Act, 2006, and RWC guidelines	Facilitator
<b>HEALTH BREAK</b>		
10:20–1:00pm	ACT Cont'd..... Group discussion on evidence gathering, usage and admission of evidence. Reflections, Experience sharing	Facilitator Facilitator Facilitator
<b>LUNCH BREAK</b>		
2:00–3:30pm	Act Cont'd.... Forms of extracting evidence from an accused	Facilitator
3:30–4:30pm	Is torture a good way of obtaining or extracting evidence? Roles of police in evidence gathering and how they	Facilitator Facilitator

	<p>relate with LC courts</p> <p>Group discussions and Reflections</p> <p>Closure of day 2</p>	ZOA
<b>Day 3 Program.</b>		
8:30–9:00am	Arrival & Registration of Participants	Co facilitator
9:00–9:30am	Recap of Day 2 work	Co facilitator
9:30–10:00am	Analysis and interpretation of the Act continued...	Facilitator
<b>HEALTH BREAK</b>		
10:20–12:20pm	Analysis and interpretation of the Act continued...	Facilitator
12:20–1:00pm	Role plays, by the various officers in the LC court (Chairperson, Vice, Sec, Women rep, Elder, Youth, etc)	Facilitator
<b>LUNCH BREAK</b>		
2:00–3:30pm	Analysis and interpretation of the Act continued	Facilitator
	Question and answer session on general issues	Facilitator
3:30–4:20pm	Recap of Day 3	Facilitator/ZOA
4:20–4:30pm		
<b>DAY FOUR (4)</b>		
8:30–9:00am	Arrival & Registration of participants	ZOA
9:00–9:30am	Recap of Day 3	Facilitator
9:30–10:00am	Group activity on challenges facing local council	Facilitator

	courts	
<b>HEALTH BREAK</b>		
11:30–12:55 pm	<p>Presentation on challenges of LC courts</p> <p>Reflections on the challenges and way forward</p>	Facilitator
<b>LUNCH BREAK</b>		
2:00–4:20pm	<p>Introduction to use of Alternative Dispute Resolution by the LC Courts</p> <p>Advantages of ADR</p> <p>Forms of ADR (Arbitration, Negotiation, Mediation, Conciliation)</p>	Facilitator
4:20–5: 00pm	Evaluation of the training (strengths, challenges, recommendations)	Facilitator
5:00pm–5:30 pm	<p>Administrative announcements</p> <p>Closure</p>	ZOA

## KEY ISSUES FROM PROCEEDINGS

### Legal issues

- There was general lack of knowledge on the provisions of the Local Council Courts Act, 2006 and guidelines for Refugee Welfare Committees.
- The issue of jurisdiction was a key problem. E.g. which type of cases the LCs can handle, and awards the court can give.
- Officially, LC Courts lacked legal mandate because of failure by the Independent Electoral Commission (I.E.C) to organize LC elections since 2006 to date, actually the EC is just in the process of conducting LC elections after more than 10 years of illegal occupation of office by the former LC officials, court committees inclusive.

### Technical issues

- The fine that is charged on the offenders is not shared properly; few people or usually the chairperson and the secretary conspire to share it between them.
- Favoritism and bias in decision making in LC courts affects the credibility of LC courts.
- There is always delay in handling LC courts due to poor facilitation and logistical challenges.

- Majority of LCs are illiterate and therefore lack technical capacity to appreciate the law and apply technical procedures in the LC courts.
- The LC Courts lack permanent court premises to operate the courts and keep files of the various cases tried.
- They lack custody to keep suspects so they always send them to police who sometimes release suspects after receiving bribes hence affecting their court's operation and quality of evidence.

### **Social and community issues**

- The LCs are generally undermined by the members of the community.
- There are cases of threats from some members of the community to the LC officials following decisions they take in courts.
- Most LC officials are corrupt and seek bribes from parties in a suit therefore affecting decisions of the courts.
- Majority of LCs and Court committees are drug addicts and consume huge volumes of waragi hence impairing their decision making and loss of reputation/credibility to handle cases in the local council courts.
- Some LCs conspire with criminals and issue letters to them for selling animals or property which does not belong to them.

- Some engage in mob action together with community members to kill people suspected to be having poison and this happens in O'dobu Village.

## Key achievements

- Completion rate was 100% as 50 reported on day 1 and 50 completed on day 4 in both clusters.
- At the end of the four days, participants expressed total satisfaction with the training as evidenced by statements of the group leader and other members of the group. End of training evaluation revealed that the participants were more enlightened, confident on handling operations in Local Council Courts and equipped with a resolve to make reforms in the LC systems within their jurisdiction.
- There were action points at the end of the training by the participants on how to implement ideas gathered from the training. On the basis of these action plans, the team will be monitored to see the extent to which they are creating impact in terms of handling cases, peace building, conflict management and social inclusion issues between RWCs and Local Council officials.

## **ACTION PLANS**

We are going to form a MOOT committee to continue sharing skills between the local council structures from RWCs and Nationals to perfect our skills in handling cases. We agree to conduct weekly meetings to be organized by our village and cluster chairpersons.

The RWCs and LCs shall organize the same training and other community meetings to sensitize members about operation of the LC courts and this shall be weekly or monthly and the LC and RWC chairpersons shall be responsible.

We want to play a solidarity game with ZOA and the LC/RWC veterans to increase relationship and awareness on refugee and local community issues. The cluster chairperson is responsible for this activity that will be held in the 3<sup>rd</sup> week of October 2017 if approved by ZOA.

We didn't know women are supposed to be members of the Local Council Court committee, now we are empowered and we shall mobilize our women in the Villages of Ariwa, Ariaze and O'dobu to elect their representatives to the LC courts. We the women representatives shall be responsible for this.

## TRAINING CHALLENGES

**Mobilization** had a challenge, the paralegals communicated well to the LC chairpersons and RWCs how many and who should attend the training but some went ahead to inform more people than expected because others were drunk by the time they received the information and without further inquiries carried out excess mobilization.

**Solution:** The leaders of the cluster, LC and ZOA paralegals explained to the excess members the limitations of the training and the actual participants that were intended to attend the training. They respected this decision and therefore the training proceeded well.

**Gender was somewhat a problem:** Majority of the participants were men but this was largely because the court and general LC structures were not constituted properly, the confusion in the composition exactly caused more men to be in the training than women unless women would be outsourced from other groups.

**Solution:** Participants accepted to go and reconstitute the structures in accordance to law and give opportunity for women to be adequately represented in the structures.

**Time:** The four days allocated was still not enough to adequately train very fresh and raw officials on the operations of the courts and many associated community issues.

**Solution:** Participants were given IEC materials on civil matters, Bail, Court fees schedule, Small claim court procedures, Plea bargain and other areas to continue building their knowledge and skills.

They were as well encouraged to share knowledge and experience amongst each other and always requested to visit places like the Courts in Arua, Police and Uganda Human Rights Commission to access information and materials that can help them in their work.

The facilitator also gave them references of applicable laws on LC courts to be bought for further reading. E.g. the Constitution, Civil procedure Act, Magistrates Act, Penal code, etc.

## **KEY RECOMMENDATIONS**

**A special training be organized on defilement, teenage pregnancy, early marriages and domestic and gender based violence.**

Members agreed that these were very serious and common issues affecting the refugee and host communities in Ariwa, Ngurua and other clusters that need to be addressed. They called upon ZOA to help in this critical area to save young girls and help prevent domestic and gender based violence in families.

## **More training and capacity building be organized for LCs**

The participants pleaded to ZOA for more of this training and next time include officials in LC II and III, police and other stakeholders in the village to ensure the chain is strong, responsive and reliable to handle community problems within local council structures.

## **Facilitator: Availing copies of relevant laws**

The LCs and RWCs would do well if they had copies of the Local Council Courts Act, 2006 and RWC guidelines from which they would refer or seek guidance while proceeding with adjudication of cases at that level.

## **TRAINING EVALUATION**

The training was timely planned as it cured many social, legal and technical deformities affecting LC courts and their operation. It was so much appreciated as the content, methodology was in tandem with the community needs and the impact was evidently high as seen in the very active participation, level of interest and the action planning.

Looking at the following set of comments,

*Even if this training would continue the whole of October, I would not miss any day...*

*I think this was God's plan to bring you here in Ariwa, you exactly talk as if you have been staying with us here every day, you have hit the exact problems and issues happening here……*

*..You were right to say we should work together as RWCs and LCs from Uganda, because it has been difficult for us to settle problems for example if a refugee has a problem with a local, the locals would favor their own and make the refugee suffer, thank God everybody has heard from the Lawyer, am sure it will change……*

*Where can we find you, because we want to be listening to your advice every time to help us do correct things here in Ariwa……*

The above comments clearly reveal how well the training was delivered. The contributions, questions asked and level of activity throughout the training was commendable.

## **CONCLUSION**

TVRA continues to be grateful to ZOA for the trust, cordial working relationship and above all for the capacity building received through this partnership. We pray for more of these partnerships and activities to serve our communities and save lives in the camps.

We request you to pay a keen attention on the key proceedings and recommendations expressed by the participants in this training; it's our hope that, this report helps you understand the challenges the local leaders face while responding to the refugee situation in the camps

and other gaps that need to be closed within the community through your able support.

## Appendices



.....The facilitator Mr. Alfred making a point in Ngurua cluster



A FEMALE PARTICIPANT SHARING HER EXPERIENCE CHALLENGES OF SEEKING JUSTICE IN THE COMMUNITY



The facilitator Mr. Alitia Elia stressing a point to the participants on local court procedures



A brain storming session on the weaknesses of local courts

## Facilitator Acknowledgement

I-----acknowledge

that this report is a true reflection of how the training transpired on ground, duly delivered under my guidance and direction. I undersign here below in confirmation.

Sign-----

Date-----