

LEGAL AID CLINIC OF THE AFRICAN CENTRE FOR TREATMENT AND REHABILITATION OF TORTURE VICTIMS (ACTV)

Legal Aid Clinic of The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) aims at providing free legal services to disadvantaged or needy or the poor class of victims of torture/clients across Uganda in areas of criminal and civil law and/or human rights to be specific a right to freedom from torture. These services are provided through legal representation, mediation, legal advice, arbitration etc.

OBJECTIVE

To improve the quality and accessibility of legal aid services to the victims of torture by prosecuting perpetrators while aiming at achieving maximum cost-effectiveness. The cost implications of the free legal aid services will be met by donor grants.

To ensure that in the interest of justice, torture victims/ survivors charged with a criminal offence or with a reasonable ground of appeal is not deprived of legal representation because of lack of means.

The Legal Aid Clinic shall be run by the following;

1. Legal Officers/Advocates.
2. Legal Assistants
3. Legal Clerks

STEPS FOR HANDLING A CRIMINAL CASE OF TORTURE.

1. Receiving complaint from client, reducing it into writing using Form 1, capturing what, how, where, when and who.
2. File opening
3. Acknowledgment of complaint is issued to the client using Form 6. PPT.Regulation.2017
4. Investigation of complaint within 21 days from the date of receipt of complaint (this includes verification of facts, identifying and interviewing of witnesses, perusal of documents and making of photocopies)
5. Making investigation Report as per Regulation 8(4).
6. Case discussion by the legal team (whether there is merit in the allegations to warrant prosecution by ACTV).
7. Communication of the decision of the legal team to the client (showing the strength and weaknesses in the case and how to deal with it and how long the case may take)
8. Signing of the merit and disclosure/consent Form by client (for purposes of exempting ACTV from liability).
9. Drafting of the legal documents (Complaint on Oaths using Form 5, Reg.9 (4), and the Charge Sheet).
10. Filing of Legal documents in Court.
11. Fixing the case for mention/hearing.
12. Requesting Court to Issue Warrant of Arrest.
13. Court directs any Police officer to arrest the suspect/perpetrator.
14. Suspect is arraigned before Court for Plea taking
15. Magistrate is requested to sign/endorse the Charge Sheet on the file.
16. The Private Prosecutor, addresses Court on the status of investigations

- 17.If investigations are complete, the case is fixed for Hearing / if investigations are not complete, the case is fixed for Mention to allow investigations to be concluded.
- 18.The Accused/perpetrator is reminded of his/her constitutional right to Bail.
- 19.Client/Witnesses are supported to attend Court for Hearing.
- 20.Hearing commences with the complainant/victim having the right to begin.
- 21.Complainant/victim is cross examined.
- 22.The Accused/perpetrator giving a chance to defend himself or herself.
- 23.Judgment and final orders of Court is pronounced.

STEPS FOR HANDLING A CIVIL CASE OF TORTURE.

1. Receiving complaint from client, reducing it into writing using Form 1, capturing what, how, where, when and who.
2. File opening
3. Acknowledgment of complaint is issued to the client using Form 6. PPT.Regulation.2017
4. Investigation of complaint within 21 days from the date of receipt of complaint (this includes verification of facts, identifying and interviewing of witnesses, perusal of documents and making of photocopies)
5. Making investigation Report as per Regulation 8(4).
6. Case discussion by the legal team (whether there is merit in the allegations to warrant prosecution by ACTV).
7. Communication of the decision of the legal team to the client (showing the strength and weaknesses in the case and how to deal with it and how long the case may take)
8. Signing of the merit and disclosure/consent Form by client (for purposes of exempting ACTV from liability).
9. Drafting of the legal documents (Demand/Notice of Intention to sue and Plaint).
- 10.Filing of Legal documents in Court.
- 11.Serving of Court Documents (Court Summons on the Defendant).
- 12.Fixing the case for Mediation
- 13.Fixing the case for hearing.
- 14.Making of submissions
- 15.Judgment
- 16.Extracting the Decree/Order
- 17.Execution of the Decree/Order

ROLES AND RESPONSIBILITIES OF EACH OF THE OFFICERS IN THEIR RESPECTIVE CAPACITY;

1. Legal Officer/Advocate.

- Interview and provide general legal counsel to clients.
- Provide legal advice to clients.
- Draft and prepare legal and court documents.
- Represent clients in courts of law, mediation/arbitration proceedings and or other tribunals.
- Preparation and submission of monthly progress and activity reports to Program Manager ACTV.
- Maintaining proper and up-to-date client's records and files.

- Performing any other duties assigned by the Program Manager
- Prepare regular work plans and reports
- Conduct field visits to verify the allegations complained of by clients.

2. Legal Assistants

- Investigate the facts of a case and assist in verification of alleged facts
- Conduct case intake and client screening based on established ACTV criteria.
- Conduct research on relevant laws, regulations, and legal articles
- Organize and maintain documents in a paper or electronic filing systems
- Gather and arrange evidence and other legal documents for Legal Officer's review and case preparation
- Write reports to help lawyers prepare for trials
- Draft correspondence and legal documents, such as letters, contracts among others
- Help lawyers during trials by handling exhibits, taking notes, or reviewing trial transcripts
- Providing financial assistance to those who qualify according to ACTV guidelines.

3. Legal Clerk

- To provide clerical support to the legal Officers and legal Assistants in mediation proceedings, photocopying of documents, posting documents, filing of documents, arranging according their trial dates, serving documents and managing court fee payments
- File exhibits, briefs, appeals and other legal documents with the court or opposing counsel
- To Call clients, witnesses, lawyers, and outside vendors to schedule interviews, meetings, and depositions
- To ensure that the lawyers diary is aligned to that of court.
- Support the Casework Administrator in tracking, managing, and entering case related data on paper and electronic case tracking management systems.
- Prepare and deliver case documentation to clients.
- Provide translation and other case-related support.
- Continuously Monitor the physical environment where the clients legal files are kept; taking appropriate action to ensure documents will remain in good condition
- Receiving clients and listening to their concerns and at all times treating them with compassion and respect