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## Hidden Laws in Uganda

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***FIELD NOTES:***

***HIDDEN LAWS IN UGANDA***

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I learned a lot about Uganda the night I was arrested in Kampala and taken to the Central Police Station. During my short stay in CPS, I discovered that the police keep some laws secret from Ugandan citizens and even from themselves. It was early in 2003; I was an American living in Uganda. Driving one evening, I turned the wrong way onto William Street in downtown Kampala. I turned to the right of the divider, as if I was driving in the United States. As it was late on a Friday night, no one was on William Street, except for about ten thousand loitering policemen. They swarmed the car, seeing that it was a big SUV that surely contained fortunes for all. Well, I wasn't going to pay anybody anything. I had made a simple mistake, and I was not going to be afraid; I was not a criminal. A Ugandan friend was with me, a young man who calls himself Junior. The police seized on Junior as their way into my pockets, as they had quickly sized me up as an uncooperative foreigner who doesn't understand how things work here in Uganda. Everyone knows that you have to supply "tea" to any police officer who works up enough energy to stop you on the road. They asked Junior to step out of the car so that they could prep him on schooling me in proper Ugandan road

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etiquette. Before Junior got out I told him not to pay anyone anything. No problem there as Junior had no money.

Failing with Junior, they came back to my window and threatened to take me to CPS. This is the ultimate threat by police in Uganda. CPS looms large and dark; a place where they put you “in cells.” People start unloading their wallets at the sound of those three letters. So naturally, I shout: “Let’s go!” All the police officers tried to climb into my car. I put my foot down; I told them only one could come. One climbed in and we went to CPS.

At CPS, my passenger officer took me to a second floor office whose door signage that indicated that they conduct traffic accident investigations within. Inside I met with two or three bored smokers who half-heartedly began trying to get money out of me. First they tried to convince me that I had done a terrible, immoral, horrible thing. They came down on me with the Good Book like a Baptist prayer circle, or an American president. I laughed. I informed them that I had broken a traffic law only. No one died; no other car or person was involved; there was no trouble at all on William Street. But these guys insisted that I had committed a grave offense.

The longer we discussed, the more I realized that these officers had no procedure to follow. They had no forms for me, no information for me, nothing to offer me with which I could conclude the incident. I waited, but they gave me no suggestions. Perhaps they were waiting for me to offer some suggestions. So I offered one. I asked for a citation. In the US, when you break a traffic law, the police give you a citation, a traffic ticket. Then you go to court and if you are guilty, you pay a fine. So at CPS, I asked for a

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citation. They didn't understand. They told me there are no traffic citations in Uganda.

I asked to see the law. They gave me the book of traffic laws. Since I apparently had the time, I sat and read it. I discovered things I hadn't known before. First I learned that police in Uganda do not know their own laws. I discovered that the system in Uganda resembles that in the US. The book says that when a motorist violates a traffic law, the police are to give him a citation. Then some days later, he is to appear in traffic court before a judge. If found guilty of the offence, he is to pay a fine of no more than 9,000 Uganda shillings (US\$5). I'm not joking; I read it in the book. I was amazed because I know that the police on the road regularly get 20,000/= to 80,000/= out of nervous motorists, and it goes right in their pockets. But I was mostly amazed because I know that there is no such thing as traffic court in Uganda.

I continued to read and learned about other traffic laws. I learned that if police catch you driving without your driving permit, you have five days to produce it. The police cannot arrest you, or detain you, or take you to CPS, or take your car, or take your identity card. They must let you go free and you can come back in five days with your permit. This is true; this is the law of Uganda. I was amazed because I know that Ugandan police scare drivers who move without their permits, and get all kinds of cash for their efforts.

When I finished reading the book, I asked the police at CPS to give me a citation and I would return to stand before a judge. They refused. Remember, they don't know their laws. They explained to me the folly of the citation system: How will they be sure that I

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return to face a judge? “You’re the police!” I shot back, “If I don’t come back, you can arrest me!” This was funny even to me because police in Uganda have no way of tracking down or arresting anyone not already standing in front of them. So they didn’t want me to leave; they wanted something for their time. They demanded that I leave my car with them. I said no way. I knew from the book that this was illegal. Then they wanted my passport. I refused. I knew from the law book that the police can only detain me or my belongings if I have been misrepresenting my identity. I had not been doing that. I had shown everyone my American passport. They knew very well who I was.

So the detective sent for some official papers. He took a bunch of time to fill in a bunch of information, and then he presented for my signature a bond for one million shillings (US\$500). This was hilarious. He wanted me to sign this paper that said that if I don’t show up tomorrow, I have to pay them one million shillings. I said, sure, I’ll sign, right after we toddle on over to the American Embassy for them to have a look. If they think I should sign, I told my jailer, I will happily sign.

They blustered, “Why should we take you to the Embassy! Don’t you have their phone number!?” I asked for a phone book. They gave me a 1997 yellow pages. I had personally participated in building the new Embassy in 2000, so I knew that this resource was not going to do much good.

So we sat there, at the end of our journey together. The detective was frustrated, and I was getting a bit tired of the game. Then I played my trump card. At the time I didn’t know it was a trump card; but from his reaction, I realized I had lucked on to some

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powerful vocabulary. I accidentally used the magic word that from a muzungu is chilling. I said, “You are now over-detaining me.” Over-detaining. Oh boy, could he get in all kinds of trouble for that. An international incident appeared in his eyes for a few seconds, but I have to hand it to him; he didn’t give up. He made one more attempt at dominance. He told me that I had to at least leave a photocopy of my passport so that they could trace me if I failed to show up again. I was willing to concede to this, because I knew I had already won, and because I knew that I was not going to show up again, nor were they ever going to come and get me. But lucky me, even this turned into a win for me. I pulled out my passport, and asked where the photocopy machine was. They showed me, but then I told them I had no money to make the copy. That was it. That was too much. The detective glared at me and barked, “You go home!” I went out to find Junior by the car, and we drove away.

But if I had been a Ugandan, he would have detained me in jail. And that would have been illegal. Police cannot detain Ugandans for a simple traffic offense. It could be that the police themselves do not know the law, or it could be that they don’t want Ugandans to know the law so that citizens will be scared and willing to give money to police to avoid offenses. No Ugandans I know realize that they have five days to produce their driving permits for an arresting officer. No Ugandans I know understand that police are supposed to give citations and release citizens after a traffic offense. I wonder what other laws the police are hiding from Ugandan citizens.