

**ANNUAL JUDGES' CONFERENCE AT HOTEL AFRICANA
PERFORMANCE OF THE ANTI CORRUPTION DIVISION (ACD)-2012:
OPPORTUNITIES AND CHALLENGES**

16TH JANUARY 2013.

1.1: INTRODUCTION

The Anti Corruption was established under Legal Notice 9 of 2009. As a Division therefore it is nascent.

The objective of the Division appears under clause 4 of the Legal Notice: to expeditiously dispose of corruption and corruption related offences in an orderly and cost effective manner.

Currently the Division has three Judges, One Registrar and four Magistrates. Besides, there is diverse support staff.

2.0: PERFORMANCE OF ACD 2012

The table below shows the work load of the Division and disposal rate in 2012.

SUMMARY OF CASE STATISTICAL DATA 2012

NO	CASE CATEGORY	B/F FROM 2011	REGISTERED IN 2012	COMPLETED IN 2012	PENDING
1	Session cases	213	157	125	246
2	Criminal Appeals	04	30	17	16
3	Miscellaneous Applications	10	82	89	02
4	Criminal Revision	Nil	07	05	02
5	Criminal Misc.Causes	Nil	02	02	Nil
	TOTAL	227	278	238	263

From the above table it is clear that the total number of **238** corruption and related cases/appeals and applications were disposed of in 2012. At the same time a total of **263** matters have been carried forward to 2013. This now forms the backlog in the Division.

A total of 25 sessions were rolled out upcountry in 2012. Most of them were sponsored by JLOS.

We sincerely thank the Secretary to Judiciary and JLOS who supported the Anti Corruption Division with funds which enabled ACD realize the above performance in 2012.

3.0: OPPORTUNITIES OF THE ACD.

- The Division and its court users believe in tracing and recovering the money stolen. In this connection compensation orders amounting to 30 billion shillings were made in 2012. Of the amount URA alone was able to realize over 18 billion shillings. Banks and Government Institutions shared the rest.
- The Division has kept true to its objective of disposing of the cases before it in an orderly and cost effective manner. It is rare for a matter to remain undecided for over 4 months.
- We have had gainful interface with other institutions and judiciaries. The Division received Judges and Commissioners from South Sudan who sought to learn best practices of ACD. Other delegations were from Burkina Faso and the Judicial Service Commission of Kenya. Participants in courses at the International Law Institute (ILI-ACLE) are frequent visitors to the Division.
- There has been a marked increase, particularly of fraud related cases from Uganda Bankers Association (UBA) and Uganda Revenue Authority (URA) being prosecuted in our Court. A draft amendment to Legal Notice No.9 of 2009 has been submitted to relevant authorities to meet the eventuality of resulting tax evasion and fraud cases.
- Training of Judicial Officers and support staff to cope with developing skills and other challenges has continued. Recently for example Judicial Officers went on training in Oil & Gas laws as well as Cyber Crimes in

Dubai. The need for training cannot be overemphasized. For better results these should continue. The lessons learnt should assist the officers cope with related cases that appear in their courts.

- Public confidence and trust in the Judiciary has been enhanced. Court users have in various fora, and particularly at our court users' meetings, expressed satisfaction with the operation of our court in dispensing timely decisions.
- Given the resources available, we have held limited upcountry sessions in areas where the offences arose. This has rendered expenses lower because most witnesses are from the vicinity. Additionally the locals have the case tried where they can follow the proceedings.

4.0: CHALLENGES

The complexity of corruption and fraud cases handled by ACD demands a lot in form of time, research, and skills. Needless to say fraudsters keep venturing into new areas employing varying stratagems.

- It takes ages for some penalties to be effected given the slow rate of hearing of appeals and references in the Court of Appeal/Constitutional Court.
- Perpetual budget cuts. In 2012, with the hosting of CMJA, ACD operation funds were cut by close to 40%. During the month of October, there was almost zero release as the already truncated budget of 60% meant for October was later directed to cater not only for October but also for November, 2012. This affected and continues to affect our productivity as we are unable to hold upcountry sessions. We cannot make sufficient witness refunds consistently.
- JLOS quarterly support towards upcountry sessions and backlog clearance also reduced by 20% in the last two quarters.
- The court premises are improvised. They are not custom made for the purpose. When power goes off, it becomes difficult to conduct hearings in court halls. A standby generator may temporarily solve this matter awaiting construction of proper court premises.

- The law at present requires the employment of assessors in indicted cases. Most of these assessors have limited levels of comprehending cases at hand and often add no value to the verdict. It is a recommendation that the law be amended particularly as regards corruption related cases so that they are dispensed with.
- There is need to have in place a law allowing for plea bargaining, a law dealing with money laundering as well as a law on attachment and probable confiscation of suspect property. Such laws can go a long way to meet the objectives of the Anti-Corruption Act.

CONCLUSION.

In its time the Division has delivered value to the criminal justice system but the continued cuts in the already puny budget will see off most of what we have been proud to report on. As we enter 2013 I put all and sundry on notice. More funding is a must.



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Paul K. Mugamba

Judge

Head, Anti Corruption Division.