



REMARKS BY HON. JUSTICE BART M. KATUREEBE, CHIEF JUSTICE OF UGANDA, AT ANTI-CORRUPTION DIVISION COURT OPEN DAY ON 8TH AUGUST 2016 AT KOLOLO, KAMPALA

My Lord, The Hon. The Principal Judge

My Lords the Justices of the Court of Appeal Present

My Lord, the Head of the Anti-Corruption Division

My Lords the Judges Present

The Inspector General of Government

The Director of Public Prosecutions

The President Uganda Law Society

Heads of JLOS Institutions

Our Development Partners

Heads of Constitutional Bodies Present

The Secretary to the Judiciary

Your Worships Registrars and Magistrates Present

Distinguished Guests

Ladies and Gentlemen

It gives me great pleasure to address you on this important occasion under the theme: **“Reject and Report Corruption: Your Responsibility”**. Corruption is a cancer which all of us must fight. Perhaps we need to look back and take stock as a country. It is not helpful to keep on finger pointing and passing blame as to which department is more corrupt than others. We must realise that we cannot fight corruption as sectors. We require a holistic approach. As long as other sectors or the general public are prone to corruption, our efforts in the fight against corruption will remain limited.

The fight against corruption has a long history in Uganda. In 1970, the Parliament passed The Prevention of Corruption Act, Act 8 of 1970. Its long title was given as “An Act for the more effectual prevention of corruption”. This, I believe, was a genuine legislative attempt to tackle corruption. The Act had wonderful provisions. But we know that on 25th January 1971, Idi Amin took over government. He gave 18 reasons for his Coup d’etat. Reason No. 6 was “Corruption in high places”. The next phase of Uganda’s history was characterised by a total breakdown of law and order – economic collapse, shortages and the attendant corruption – chits, allocations, etc. But in the public service, there was still a high level of discipline – may be because the ordinary public officer feared to be caught in corruption.

With the removal of Amin, came democracy, and it was as if corruption had been democratized – nationally, in all spheres of the national life – schools, homes, offices, etc. The Judiciary was

not spared. In 1987, I served on a Committee of inquiry into allegations of corruption in the Judiciary. Then, as now, one heard a lot of allegations but without tangible proof. Hence no action.

The introduction of the Leadership Code, the Inspectorate of Government, the Public Accounts Committee, etc. were supposed to combat this cancer that appeared to be permeating our national life. These have since been fortified in many ways. But how successful are we? This must be answered by all of us as a country. Can corruption be fought by legislative and judicial measures alone? The thread of corruption from family to school – to university – to office and back to community must be broken. We must create a culture of shame. We must break down the wall of silence which usually is built around the corrupt. We must stop glorifying the corrupt. To me, this is the essence of the theme you have chosen today – duty to reject; duty to report; what is my responsibility?

Article 17 (1) (i) of the Constitution spells out the duty of the citizen: “to combat corruption and misuse or wastage of public property”. There are many examples where we the citizens have failed in this duty but continue to cry about corruption, as if it is somebody else’s duty but not mine.

But at the same time we must continue to strengthen and employ the legal and judicial mechanisms. The introduction of the Anti-

Corruption Division of the High Court must be seen in that context.

The role of the Judiciary in the fight against corruption cannot be overemphasized. Our role is both internal and external. At the internal level, we have made efforts to strengthen integrity and accountability. We have revamped the Inspectorate of the Courts; we have in place a Judicial Integrity Committee which conducts countryside tours annually and reports on the state of integrity in the Judiciary. We continually sensitize Judicial Officers and staff and we are making efforts to improve the terms and conditions of service for all Judicial Officers and staff as one way of shielding them against temptations in the course of their work.

At the external level, the Anti-corruption Division (ACD) is our main front in the fight against corruption. We have other fronts like the Public Relations Unit which sensitizes the public and also manages public perceptions regarding corruption in the Judiciary. On its part, the Anti-corruption Division is a focal national institution that has a fundamental role to play in shaping and influencing the fight against corruption in Uganda. As we all know, all investigations that materialize into evidence are bound to lead to prosecution of the culprits. A strong Anti-corruption Court backed by strong investigative and prosecutorial arms are therefore a sine qua non for an effective fight against corruption. Therefore more resources must be given to the investigative bodies – for training, tooling and research. No point in declaring assets to the IGG if the IGG cannot have the

means to verify the information. Some of the corrupt are too fast for our ordinary CID investigators.

Despite all these shortcomings, the ACD has scored serious milestones and has fundamentally contributed to the shaping of the image of the Judiciary. From available information, the achievements include the following:

- High case disposal rates and low case backlog as shown by the Court's statistics.
- Recovery of billions of Uganda shillings in post-conviction compensation orders and plea bargaining recoveries.
- Boosting the national fight against corruption by offering leadership and effective partnerships.
- Introducing and implementing best practices in court and case management.
- International recognition for outstanding performance.
- Undertaking meaningful training and research in the area of Anti-corruption mechanisms.

We know there are many challenges ahead. First and foremost, we must secure the serious co-operation of everybody – i.e. the public as well as well as other organs of the State, including other courts. The ACD must be allowed to do its work. The public must report those people, particularly lawyers, who come here to attempt to bribe our Judicial Officers. The Judicial Officers must themselves prove to be above reproach. They must not only refuse the bribes but must report any person who offers a bribe.

The Law Society and the Law Council must be prepared to do their job.

The Prosecutors must prepare their cases thoroughly. It is most unhelpful when a case billed as a very important case collapses at the very early stages, particularly if the collapse is due to inadequate preparation.

The State must play its role. Political/administrative measures can be brought to bear where necessary, even if criminal culpability has not been established.

At this juncture, let me take this opportunity to appreciate the Head of the Anti-Corruption Division, the Division Judge (the Deputy Head), the Deputy Registrar, the Magistrates and all Staff at the Division for a job well done. Thank you for all the effort you have put in despite the existing constraints. I also thank the other key stakeholders who have a huge bearing on the success of the court. These include the offices of the DPP, the IGG, the Police, Prisons, the Advocates and above all the Court-Users. I particularly thank the Development Partners who have prioritized the Anti-corruption sector. I assure you that the current shape of the Anti-corruption organs in Uganda, particularly the ACD, have a lot to do with your support and initiative. I am certain that each of the stakeholders I have mentioned above and others I may have left out have made tremendous contribution to this success story. Let me also appreciate everyone who has appeared here today to bear testimony to the Court's successes and challenges.

Going from here therefore, we look forward to seeing a more strengthened, efficient and effective Anti-corruption Division. As the theme indicates, it is every one's responsibility to reject and report corruption. We should move away from finger-pointing to collective action in the fight against corruption. Before an advocate casts blame on judicial officers or staff, he/she should consider the number of times he/she has compromised or attempted to compromise judicial officers or staff. Similarly before members of the public "throw stones" (allegations) at judicial officers and staff, they should think of the number of times they have condoned corruption. The same applies to all stakeholders in this fight. We all have to reject, report and take action against corruption.

Thank you so much for listening to me.

Bart M. Katureebe
CHIEF JUSTICE