

## **ODPP Works with Public Officials to Implement Process for Removing Convicted Public Officials from Office**

*When public officials are convicted of a corruption-related crime, they must be removed from public office by law. With SUGAR TAF's support, the ODPP has been working with its counterparts in public administration to ensure that this happens.*

**September, 2019:** The Administrative Sanctions Unit of the Office of the Director of Public Prosecutions (ODPP) is responsible for enforcing Section 46 of Uganda's Anti-Corruption Act, which states that any person convicted of an offence under the Act will be disqualified from public office for a period of ten years.

Although the Anti-Corruption Act came into force in 2009, the Administrative Sanctions Unit was not established until 2016. It was created when the ODPP leadership recognized that there was no means of enforcing Section 46. Harriet Angom, who heads the Unit, recalls that prosecutors were upset to see convicted public officials returning to the courts as witnesses in other cases, still holding their positions in violation of the law. Even with the creation of the unit, enforcement has by no means been a straightforward matter.

Within the civil service, some posts are designated as 'responsible officers': they bear the responsibility of carrying out disciplinary acts and sanctions against officers under their charge, including dismissal. For example, each district government has a Chief Administrative Officer (CAO), who is the responsible officer for the district. The Administrative Sanctions Unit writes to inform the appropriate responsible officer whenever someone under their charge has been charged with an offence under the Anti-Corruption Act, when charges are dropped due to insufficient evidence, or when a case is concluded and judgement passed. To date, there is no mechanism to follow up on these communications, or to hold responsible officers to account. This is an issue when corrupt officials collaborate with each other.

SUGAR TAF has supported the unit's functions in a few ways. One is by developing a closed-case referral form to aid communication on concluded cases. This form captures information on whether the case ended in conviction or in acquittal. In the case of acquittal, it allows the unit's officials to advise whether administrative sanctions should still be taken.

Even more importantly, SUGAR TAF has brought together key stakeholders from the ODPP and public administration to discuss how to best proceed on Section 46. This has been critical because the laws don't outline the process, and perspectives on interpretation differ. Some public administrators argue that they are bound to their own disciplinary processes, which require a fair hearing before taking disciplinary action. The ODPP argues that a trial in a court of law constitutes a fair hearing and

further action is not required. The meetings facilitated by SUGAR TAF have helped to bring these perspectives closer together and aid mutual understanding. One major step forward was when the PSC offered a central contact person at head office to receive and pass on all of the ODPP communications related to administrative sanctions. This has eased the work of the Administrative Sanctions Unit, which otherwise had no reliable way of reaching officials in far districts. A more recent meeting, held in September 2019, led to an agreement to define clear procedures and include them as provisions within the Standing Orders governing the administration of the civil service. With this, full enactment of Section 46 is closer to reality.

“We’ve been able to give effect to Section 46 of the Anti-Corruption Act, and through that, public officials are now scared...they find corruption kind of risky, because upon conviction, Section 46 is coming into play, and there are people who now follow you up.”

- Harriet Angom, Senior State Attorney and Head of Administrative Sanctions Unit of ODPP