

## **Uganda's Judiciary Champions the Critical Importance of Asset Recovery**

*SUGAR TAF has linked Uganda's judiciary to international expertise that provided critical insights into the importance and use of asset recovery and anti-money laundering tools.*

When addressing crimes of corruption, the Ugandan legal system has been oriented towards criminal conviction, with little attention paid to recovering the proceeds of these crimes. Through their exposure to best practices in other jurisdictions and the counsel of international experts, the judiciary at the Anti-Corruption Division (ACD) of the High Court have become convinced of the critical importance of asset recovery, and have themselves become advocates for a more balanced legal response to corruption.

If criminals steal large amounts of money through corruption and are only punished by a receiving a prison sentence, they, their families and associates can continue to enjoy the wealth that they have wrongly acquired. In the words of Justice Gidudu, who heads the ACD, "If you just sentence someone to prison, but he keeps the stolen assets, then you have gifted him."

From 2016, SUGAR TAF supported the judiciary in coming together to discuss strategies to improve recovery from criminal proceeds. From the Chief Justice, through the Principal Judge to Heads of Institutions, Investigators, Prosecutors and Analysts, all came together to discuss the advantages of anti-corruption and anti-money-laundering tools for the development of a successful civil recovery regime in Uganda.

In one of its most important contributions, SUGAR TAF brought in the internationally renowned expert on asset-recovery Andrew Mitchell QC. During his visit, Mr. Mitchell provided expert legal interpretation of existing and proposed legislation, technical capacity building and direct case support sessions with prosecutors, investigators and analysts. These inputs were well received, and the encounter generated a renewed optimism and commitment by all to work on asset recovery.

In December 2016, Justice Gidudu made a record-breaking compensation order of 50 billion Ugandan Shillings in the high profile Pensions Scandal. While this order is under appeal, Justice Gidudu's landmark ruling shows that the ACD takes the need for recovery seriously. Both Justice Gidudu and Chief Magistrate Pamela Lamunu Ocaya credit SUGAR TAF with exposing the courts to a more in-depth understanding of asset recovery. Justice Gidudu also participated in a SUGAR TAF-sponsored trip to South Africa where the group was able to benchmark Uganda's performance against South Africa's.

The energy and insight generated by this type of exchange is important because of the complexity of the problem. Those within the Ugandan system often express frustration at the inadequacy of existing provisions to reach the proceeds of crime which

sophisticated scheming has put out of the reach of criminal prosecution. Nonetheless, a cadre of brilliant and committed investigators, litigators and judicial officers are staying the course to make change. And the judiciary at the ACD are at the vanguard!

“I remember very well, we had discussions on asset recovery and compensation right here in this office. It helped, because we now know how to assess the money that should be recovered. And SUGAR TAF also had engagement with prosecution - we see it in the cases. It is still a work in progress, but it has been a tremendous change. This is important, because you can remove the man and put him in jail but if you haven't removed the asset, you haven't done anything. This is an area that was not originally captured, but SUGAR TAF came in and put it into our minds.”

- Chief Magistrate  
Pamela Lamunu  
Ocaya of the ACD