

STRENGTHENING UGANDA'S ANTI-CORRUPTION RESPONSE ANNUAL RESULTS REPORT

JULY 2018 TO JUNE 2019



SUGAR
Technical Advisory Facility

* Strengthening
Uganda's
Anti-Corruption
Response



ACRONYMS & ABBREVIATIONS

ACD	Anti-Corruption Division (of the High Court)
ACCU	Anti-Corruption Coalition of Uganda
AFIC	Africa Freedom Information Center
AGO	Attorney General's Office
COA	Court Of Appeal
DCL	Directorate of Civil Litigation
DEI	Directorate of Ethics and Integrity
DLA	Directorate of Legal Affairs
DSI	Directorate of Special Investigations
EBD	Executions and Bailiffs Division (of the High Court)
FIA	Financial Intelligence Authority
FY	Financial Year
GoU	Government of Uganda
IG	Inspectorate of Government
IGG	Inspector-General of Government
JLOS	Justice Law and Order Sector
JSC	Judicial Service Commission
KCCA	Kampala Capital City Authority
LEAs	Law Enforcement Agencies
MOH	Ministry of Health
MoPS	Ministry of Public Service
NRA	National Risk Assessment
ODPP	Office of the Director of Public Prosecutions
PEA	Political Economy Analysis
PPDA	Public Procurement and Disposal of Public Assets Authority
PPI	Public Policy Institute
PROCAMIS	Prosecution Case Management Information System
PSC	Public Service Commission
RAC	Rwenzori Anti-Corruption Coalition
SHACU	State House Anti-Corruption Unit
SOPs	Standard Operating Procedures
STR	Suspicious Transaction Report
TAF	Technical Advisory Facility
TA	Technical Adviser
TOT	Training of Trainers
UGX	Uganda Shillings
UNRA	Uganda National Roads Authority
URA	Uganda Revenue Authority
UWA	Uganda Wildlife Authority

CONTENTS



1. FOREWORD	4
2. EXECUTIVE SUMMARY	6
3. RESULTS SUMMARY	8
4. PROGRESS	12
4.1 USE OF FINANCIAL INTELLIGENCE	12
4.2 CRIMINAL SANCTIONS	13
4.3 ASSET RECOVERY	15
4.4 ADMINISTRATIVE SANCTIONS	17
4.5 INFORMATION MANAGEMENT	18
4.6 LEADERSHIP & CHANGE MANAGEMENT	19
4.7 DEMAND-SIDE ENGAGEMENT	19
4.8 INTEGRATION OF ANTI-CORRUPTION IN SERVICE DELIVERY	20
5. A LOOK AHEAD	23

1. FOREWORD

Anchored in the second National Development Plan, sustainable reduction of corruption remains a priority for Uganda to attain its national development goals. The Strengthening Uganda's Anti-Corruption Response Technical Advisory Facility (SUGAR TAF) is now in its fourth year of implementation; supporting 14 Government of Uganda Institutions to become more effective at fighting corruption. Just as in the previous year, there are positive attention-grabbing results attained by these institutions. For instance, the Inspectorate of Government registered a conviction rate of 73.5%, an increase from the 66% registered in FY 2017/2018 and together with the Office of the Director of Public Prosecutions recovered UGX 1,372,565,298, a 94% increase from the previous year. Also, the Judicial Service Commission issued 20 disciplinary actions, an increase from the 11 issued in FY 2017/2018, and the Ministry of Public Service removed 16 public officials convicted of corruption from the payroll, an action that was previously deemed challenging. Equally remarkable have been the transformative institutional leaps in enhanced processes, mechanisms, skills and collaborative relationships behind these outstanding results.



Furthermore, SUGAR TAF's novel initiative to leverage public sector transformation experiences has begun to spur leadership improvement and institutional reform just as engaging media and civil society is galvanising collective anti-corruption responses.

It is our hope that these results will be heartening and a valuable catalyst for the broader Government of Uganda, development partners, civil society, academia and media. It is our commitment to share them widely. As SUGAR TAF enters its 5th and last year of implementation, it is my hope that institutions supported will seek to consolidate the gains and maximise the value that the programme has enabled.

On behalf of the Office of the Prime Minister, I wish to express my gratitude to Government of Uganda institutions at the front-line of Uganda's anti-corruption efforts for their tireless dedication to combatting corruption, and as such contributing to national development. I also wish to thank our development partners; the Department for International Development (DFID) and the European Union (EU) whose continuous support to this endeavour is critical to its sustenance.

For God and My Country,

A handwritten signature in black ink, appearing to read 'Mary'.

Hon. Mary Karooro Okurut
Minister in Charge of General Duties
Office of the Prime Minister

Picture (right): A man walks on a broken bridge in Sembule, a Kampala suburb - October 2019. / Photo: Katumba Badru



EXECUTIVE SUMMARY

2. EXECUTIVE SUMMARY

In Financial Year (FY) 2018/2019, SUGAR TAF contributed to strengthening the detection, investigation, prosecution and adjudication of corruption and the recovery of assets by Anti-Corruption (AC) institutions. In addition, the programme supported institutions to integrate institutional transformation lessons with the objective of reducing opportunities for corruption. In providing this support, SUGAR TAF enables the Government of Uganda (GoU) to increase the risks, and reduce the opportunities for engaging in public sector corruption.

A considerable proportion of SUGAR TAF support in this year was provided through direct case support with Technical Advisors (TAs) reviewing cases at investigation and prosecution stages and providing research support for judicial officers in courts. Support was also provided through skills training, development of guidelines and reference materials, and through learner-led mentorship and coaching. SUGAR TAF conducted research, and Advisors provided advice to legislative review processes in addition to facilitating multiple stakeholders to hold critical AC discussions. The programme also set-up and revamped information management systems and provided advice and equipment where it was necessary. Partly as a result of these efforts, AC institutions made significant progress and registered outstanding results in FY 2018/2019.

The FIA received 538 STRs, an increase from the 435 received in FY 2017/2018 and disseminated 68 STR intelligence reports to LEAs. This improvement is primarily credited to the operationalisation of the goAML (Anti-Money Laundering) system. At the Inspectorate of Government (IG), the SUGAR TAF-supported Directorate of Special Investigations (DSI) completed 13 high profile cases, an increase from 10 completed in FY 2017/2018. The Directorate also completed 47 non-high profile cases against a target of 33 and recovered UGX 183, 978,417.

The Anti-Corruption Division (ACD) of the High Court completed 156 trial cases and registered a conviction rate of 57%, an increase from 51.4% in FY 2017/2018. 57 of the completed cases were backlog cases, a noteworthy performance because the target and accompanying budget from the Justice Law and Order Sector (JLOS) had been for 30 cases. Similarly, the court raised revenue of UGX 106,569,805 in form of fines, and issued compensation orders worth UGX 15,703,846,398. Anti-corruption continued to be a priority within the Judiciary with an anti-corruption session being held by the Court of Appeal (COA) in October 2018.

This year saw an increase in the effectiveness of recovery of assets with the IG and ODPP recovering more funds than in the previous year. In FY 2018/19, IG and ODPP recovered a total of UGX

1,372,565,298. IG recoveries alone amounted to UGX 1,192,024,540, a 94% increase in total recoveries from the previous year and the ODPP's totalled UGX 180,540,758. This development is a testament that SUGAR TAF's multi-institutional approach to popularising asset recovery as a prime anti-corruption tool is working.

Government institutions strengthened the effectiveness of applying disciplinary and administrative sanctions in corruption and other cases. At the Judicial Service Commission (JSC) where the bulk of SUGAR TAF support on administrative sanctions has been delivered, disciplinary action was issued in 20 cases, a significant increase from the 11 from the previous year. In total 13 judicial officials were charged, one dismissed, one reprimanded, three cautioned/warned and two recommended for interdiction. Relatedly, 16 public officials convicted of corruption that were unlawfully still on the payroll were removed by March 2019.

At the IG, where SUGAR TAF has had the longest engagement, the Case Management System (CMS+) has shown the most progress with utilisation already reducing the time between registration of a complaint and the initiation of investigations from almost 60 days to 20; and from registration of a complaint to sanctioning a case from three months to under a week. Other systems at the Directorate of Civil Litigation (DCL) at the Attorney General's Office,

the Public Service Commission (PSC) and JSC, the registration of cases including the capture of detailed data on reported corruption, is functioning at nearly 100%.

SUGAR TAF's leadership training, mentorship and coaching support has been greatly appreciated by beneficiaries from ODPP, FIA and the Public Procurement and Disposal of Assets Authority (PPDA). Beneficiaries have attested to the transformational benefits of the issue-based and learner-led approaches.

SUGAR TAF efforts to strengthen engagements between GoU institutions and media and civil society have stirred stronger relationships between these actors and AC chain institutions, and prompted joint responses to key anti-corruption constraints. Similarly, interventions aimed at institutional transformation have begun to pay off with institutions starting to adopt innovative approaches to anti-corruption.

In its final year of implementation SUGAR TAF will invest in supporting GoU, media and civil society partners to sustain transformed Anti-Corruption systems and processes and assist counterparts to adopt and integrate new ways of working. Interventions will build upon the positive gains already made, and as such secure even more successes for anti-corruption in Uganda.

3. RESULTS SUMMARY



**ODPP recovered UGX
180,540,758**



**IG recovered UGX
1,192,024,540, a 94%
increase from FY
2017/2018**



**16 corrupt public
officials removed from
the payroll**

INTERMEDIATE

- FIA received 538 STRs, an increase from the 435 received in FY 2017/2018
- FIA disseminated 68 STRS analysis reports
- DSI at IG investigated 13 high profile cases, an increase from 10 in FY 2017/2018
- IG prosecuted 47 cases at the ACD, an increase from 40 in FY 2017/2018
- JSC concluded 227 complaints
- ODPP sent out 27 case referral forms

OUT

Detection of Corruption & Use of Financial Intelligence

- Research on sources and utilisation of financial intelligence
- A monitoring matrix to track NRA action plan implementation
- 19 FIA and LEA officials trained in operational analysis

Criminal Sanctions

- 10 high profile investigations supported at 1G and 3 at ODPP
- Forensic document examination in 27 matters at IG
- 43 prosecution cases supported at 1G and 3 at ODPP
- Case conferencing for IG DLA and DSI
- Research assistance in 25 cases at the ACD, 3 at the COA and trial monitoring in 55
- Multi-stakeholder COA pre-session convened

Leadership & Change Management

- Executive mentorship and coaching for 11 ODPP and FIA heads of institution
- Change management advice to JSC, PSC and DCL interventions
- 4 Heads of institutions meetings convened
- Leadership training for 27 PPDA managers

Asset Recovery

- Case support delivered in 18 high-value cases at the ODPP, IG & ACD
- Asset Recovery guidelines developed for ODPP
- 47 investigators and prosecutors trained in financial intelligence and asset recovery
- 'The Case for Civil Recovery' debate conducted
- Asset recovery training for ACD magistrates
- Case support for 6 test civil recovery cases at DCL

OUTCOMES

ODPP conviction rate: 74%, an 8.8% increase from 68% in FY 2017/2018



IG conviction rate: 73.5%, an 11% increase from 66% in FY 2017/2018



ACD conviction rate: 57%, up from 51.4% in FY 2017/2018



20 disciplinary actions issued by JSC, an increase from 11 in FY 2017/2018



OUTCOMES

- Settlement reached in 1 out of 6 civil recovery cases filed by the AG
- ACD completed 156 trial cases
- ACD issued compensation orders worth UGX 15,703,846,398
- COA held an inaugural dedicated session for 52 Anti-Corruption cases
- PPDA initiated institutional transformation

PUTS

Administrative Sanctions

- 48 cases and complaints supported at JSC
- Case referral mechanism reviewed
- Support to revision of Public Service Standing Orders
- Case handling process map, administrative sanctions guidelines, and investigations guidelines for JSC

Information Management

- Trained 7 PROCAMIS TOTs and 56 end users
- Revamped PSC system and trained users
- IG CMS+ System review conducted
- PSC system revamped and training done
- M&E and work planning support to DLA
- Development of PPDA EMIS initiated
- 2 IMS utilisation and sharing session for 17 officials from IG, JSC, PSC, ODPP and DCL

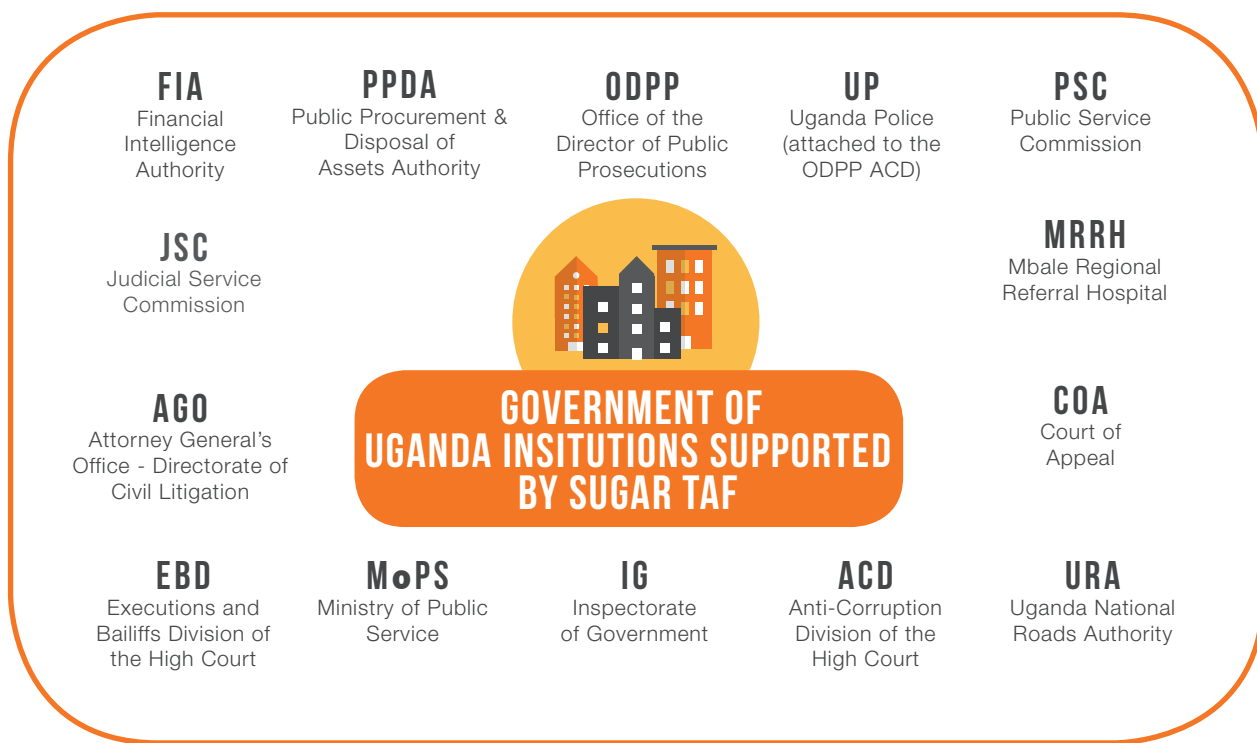
Demand-Side Engagement

- Public dialogue held with over 300 participants
- Demand-side Political Economy Analysis (PEA)
- ACCU engaged on the removal of convicted public officials from public service
- AFIC engaged on building public servants' capacity on open contracting.
- 25 journalists trained in corruption and anti-corruption
- Communication Technical working Group formed

Integration of AC in Service Delivery

- First phase of UNRA procurement risks review completed
- Case-based data analysis support to UNRA
- PPDA transformation road map developed and strategy planning process initiated
- PPDA board trained in governance and strategic planning

SUGAR TAF-SUPPORTED INSTITUTIONS & PARTNERS



Picture (right): A bird's eye view of the Old Taxi park Kampala Uganda - July 2018. / Photo: Katumba Badru



PROGRESS



4. PROGRESS

4.1 Use of Financial Intelligence

SUGAR TAF continued to support the FIA to improve the institution's capacity to analyse Suspicious Transaction Reports (STRs) and disseminate intelligence reports to LEAs including the IG, ODPP, and URA. In FY 2018/2019, the FIA received 538 STRs, an increase from the 435 received in FY 2017/2018, an improvement that was enabled by the operationalisation of the goAML electronic reporting system, which made reporting easier compared to the manual approach previously used by entities. On the other hand, FIA disseminated less STR analysis reports to LEAs; 68 in FY 2018/19 compared to 82 in FY 2017/18. However, this decline is potentially a positive indicator that with increased scrutiny of STRs, analysts at the FIA are sending higher quality intelligence reports that are more likely to be utilised for investigation.

To support FIA's mandate, SUGAR TAF provided two-tier operational analysis training to 19 officers from FIA, Uganda Revenue Authority (URA), Police and Uganda Wildlife Authority (UWA). A review of this training support conducted in June 2019 revealed that trainees' knowledge of relevant concept including Money Laundering (ML) and Terrorist Financing (TF) had improved since the training. Also, analysts' ability to analyse STRs, and prepare analysis reports for dissemination to LEAs had also improved. Similarly, in line with SUGAR TAF advice, the FIA routinely conducted feedback review sessions with URA and the Police, a practice which is useful for strengthening the quality of financial intelligence disseminated by the institutions and as such its utilisation by LEAs from investigations. SUGAR TAF also conducted research on the utilisation of financial intelligence by LEAs whose findings have informed the FIA-led process to create a structured mechanism for sharing of financial intelligence.

In FY 2018/2019, SUGAR TAF support was also aimed at advancing the implementation of the National Risk Assessment (NRA) action plan including the development of the monitoring tool to aid tracking of this progress. FIA expects to continue utilising the tool to monitor and foster greater implementation of actions outlined in the plan.

TEAM-BUILDING IMPROVES WORK AT THE IG'S DIRECTORATE OF SPECIAL INVESTIGATIONS

With SUGAR-TAF's support, leadership at the Inspectorate of Government has fostered a radically new working culture at the Directorate of Special Investigations.



When asked to reflect on the positive changes that they have seen since the Directorate of Special Investigations began in 2016, both Mr. Joram Magezi, who heads the Directorate, and Mr. Reuben Bainomujuni, a Principal Inspectorate Officer, focus on a single word: "teamwork."

Initially, team-building was a necessary part of bringing together DSI officers to take on new roles and responsibilities. SUGAR-TAF supported this endeavour with training and guidance on how to assemble a case, handle investigations, prepare reports, maximise the relationship between investigations and prosecution and approach cases as a team, rather than as individuals. Mr. Magezi reflects, "We'd have issues of fear of confidentiality, information leakage. Investigators wanted to keep everything close to their chest. It would take longer because of that. But [SUGAR-TAF] helped us with handling big cases: the entire Directorate is now sharing documents and information without the fear and conservatism that they had before. Because we're all doing the same activity and we're all responsible."

Mr. Bainomujuni describes a work culture within the Directorate which is much flatter than the typical government departmental hierarchy. This is important because investigations are time-sensitive: the longer they take, the more likely it is that evidence will disappear. Another major advantage afforded by the Directorate's culture of openness and teamwork is that officers can easily draw on the special expertise of their colleagues in the course of working on their own cases.

While both Mr. Magezi and Mr. Bainomujuni credit SUGAR-TAF as being instrumental in shaping the Directorate's work culture, it is equally clear that the leadership and staff within the Directorate - and within the IG more broadly - have steered this transformation. As Mr. Magezi and his team shape themselves into a powerful anti-corruption syndicate, Uganda's capacity to unravel high-profile corruption just got stronger"

4.2 Criminal Sanctions

Investigation & Prosecution

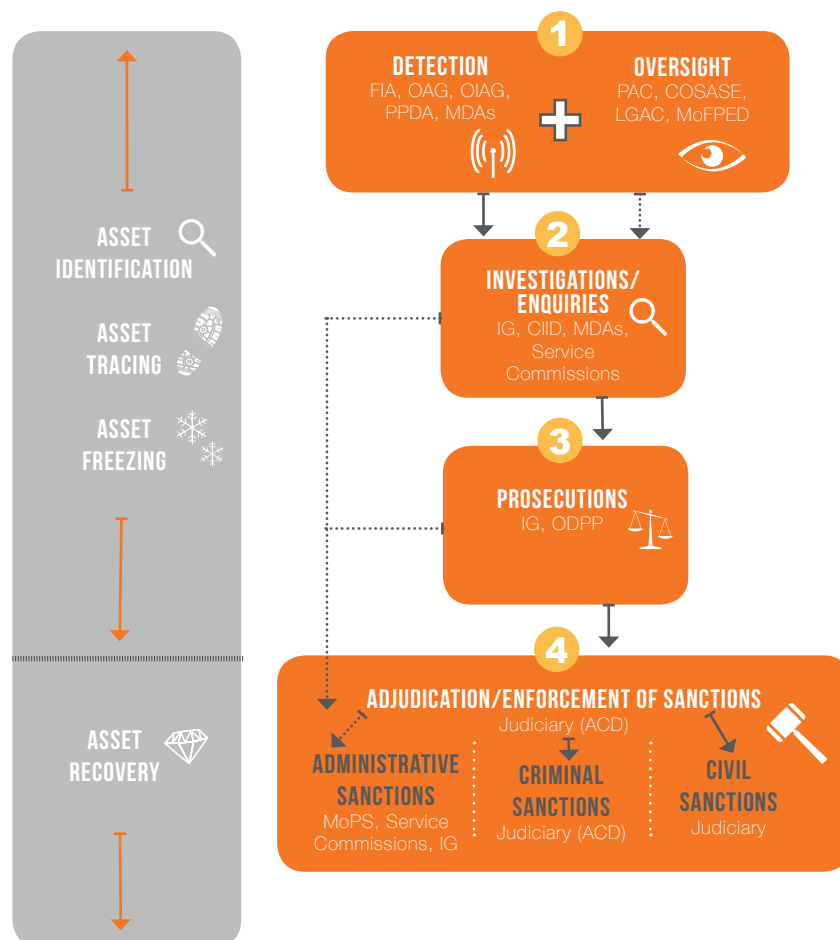
Since its establishment in 2016, SUGAR TAF has supported the IG's Directorate of Special Investigations (DSI) to steadily increase the effectiveness of handling high profile investigations and thus the IG's mandate to combat corruption. In FY 2018/2019, the DSI completed 13 high profile cases; an increase from 10 completed in FY 2017/2018 and also completed 47 non-high profile cases against a target of 33. By the end of the financial year, 24 of these files had been forwarded for perusal by the Directorate of Legal Affairs (DLA) for prospective prosecution and UGX 183,978,417 had been recovered by the Directorate. In this year, the DSI continued to adapt TAF-supported improvements including in-depth planning and drafting of investigation plans, breakdown of complaints into small manageable components that are handled by different teams and the adoption of prosecution-guided investigations. In order to increase the likelihood of prosecution-guided investigations, DSI started adopting the practice of attaching prosecutors

to investigations at the onset of investigations. By the end of the third quarter of the FY, 36% of all DSI investigations had prosecutors attached, a great improvement compared to the previous year when the practice was rare.

To back DSI's gradual improvements, TAF introduced a direct case support approach and a TAF Advisor worked closely with the team on the investigation of ten high profile cases. Hands-on support to the DSI on these cases included preparation of investigation plans, case-based training, and generation of financial profiles, financial data analysis to quantify losses, geographical analysis of fraud, and preparation of investigation reports among others.

TAF initiated a process to develop Standard Operating Procedures (SOPs) for the DSI in order to support the IG to conduct investigations systematically. Adoption of the SOPs will ensure that investigations are conducted in line with best practices including prosecution-guided investigations, and prioritisation of asset recovery. To support prosecution-guided investigations, SUGAR TAF developed an investigator-

Core functions and institutions of Uganda's anti-corruption response



INVESTIGATORS & PROSECUTORS COLLABORATE ON HIGH PROFILE CASES

SUGAR-TAF has emphasised prosecution-guided investigations to the Inspectorate of Government (IG). Prosecution-guided investigations result in a larger proportion of charges being laid and increase the likelihood of conviction.



In the recent past, the investigation of an allegation of corruption or related crimes would be handled separately from the prosecution of that case at the IG. Investigators would be assigned to a case to gather evidence, and then at a later date, a prosecutor would be assigned, receiving the evidence and building the case from the earlier investigation. This approach often resulted in prosecutors lacking crucial evidence, limiting the ability of the IG to secure corruption convictions. In many instances, the prosecutor would need to go back to the investigators and request further follow up, leading to more delays, or in the worst case scenario, the charge would be dropped or result in acquittal due to insufficient evidence. Prosecutor-guided investigations have become the norm in many countries. Through SUGAR-TAF's support, they are now being adopted at the IG. Through both direct advice and training, SUGAR-TAF has shown the advantages of this approach, and officials within the IG are also recognising the benefits.

Mr. Joram Magezi, head of the Directorate of Special Investigations at the Inspectorate of Government (IG), has observed that switching to prosecutor-guided investigations has improved communication between prosecutors and investigators, reduced friction, and improved the quality of evidence gathered. He estimates that it can cut the time to investigate a case by half. Because of these advantages, the IG is in the process of incorporating this change into procedures. Over at the Judicial Service Commission (JSC), Mr. Julius Mwebembezi, Acting Registrar in Charge of Planning, Research and Inspectorate, notes that the change to prosecutor-guided investigation leads to faster case resolution of complaints. He says, "Where the prosecutors lead and work with the investigators, there is no challenge at the end of the day, when the prosecutor presents his or her case." The positive collaboration is a win for everyone.

prosecutor collaboration framework to further guide these engagements and supported the two directorates to apply the underlined principles. To demonstrate this approach, SUGAR TAF supported the DLA and DSI to hold case conferencing workshops for select high profile cases.

In total, SUGAR TAF reviewed and provided investigations advice in ten high profile cases and forensic analysis/document examination support in 27 matters at IG. Investigation case support included drafting of investigation plans and developing financial profiles. Having document examination expertise embedded in the IG has supported more expeditious handling of cases. In support of the operationalisation of the IG's forensic laboratory, SUGAR TAF assessed the needs of the IG and developed a business case for the laboratory and a setup and operationalisation plan. The forensic laboratory will enable the IG to advance its capacity to conduct sophisticated evidence collection, and as such strengthen the effectiveness of the investigation function.

Both ODPP and IG registered higher conviction rates in FY 2018/2019, an indicator of strengthened effectiveness of prosecutorial approaches both in preparation of cases and in trial advocacy at the court. ODPP reported a conviction rate of 74%, up from 68% in the previous year, which marks an 8.8% increase and IG 73.5% from 66%, an 11% increase. SUGAR TAF has worked to contribute to these improvements by; reviewing and advising the IG and ODPP in a total of 46 cases which pertained to illicit enrichment, embezzlement, causing financial loss, and abuse of office, among other issues. SUGAR TAF has also supported joint approaches to the development and utilisation of tools such as the evidence and exhibit analysis matrices and the case reference guide at the IG. These tools and guidelines are already in use by the IG and prosecutors reported that reference to them in their daily operations is already making perusal and preparation of cases files more systematic. "We now have a checklist so we know what to look for and what not to miss" said an IG prosecutor. Partly as a result of this support, the IG completed 12% more prosecutions in FY 2018/2019 than in the previous year.

SUGAR TAF also provided mentorship and coaching to prosecutors at the IG including the DLA head, and the head of prosecutions and conducted trial advocacy training for IG and ODPP prosecutors, and DCL state attorneys. Prosecutors at the IG have also appreciated the SUGAR TAF's prosecution-guided investigations approach and have now started applying it with other investigative directorates beyond DSI. (See change story on the left)

Adjudication

The Anti-Corruption Division (ACD) of the High Court completed 156 trial cases and registered a conviction rate of 57%, an increase from 51.4% in the last FY. 57 of the completed cases were backlog cases, a noteworthy performance as the target and accompanying budget from JLOS had been for 30 cases. Similarly, the court raised revenue of UGX 106,569,805 in the form of fines and issued compensation orders worth UGX 15,703,846,398. The actual ability of the court to calculate these figures is an indication of the increasing awareness and appreciation of the value of asset recovery at the court and ultimately an increase in the risk for engaging in public sector corruption.

SUGAR TAF support at the court was focused on strengthening the effectiveness of the court in handling corruption cases. A case support approach was launched and a three-member research unit embedded at the ACD to provide demand-led assistance, advice and research in cases along with the SUGAR TAF Adjudication and Asset Recovery Advisors. By the end of June 2019, the team had provided case support in 25 cases and conducted trial monitoring in 57 cases. Conducting trial monitoring allows the team to contextualise case proceedings, provide responsive legal research, and highlight procedural and substantive trial management issues for the court to address. Additionally, SUGAR TAF legal researchers developed a corruption case handbook for trial courts that draws on local and international jurisprudence and aggregates various legal research topics. The draft handbook was reviewed by SUGAR TAF on a quarterly basis with the intention that it will be adopted by the court and launched early in 2020.

Having recognised the institutional constraints to recovery of proceeds of corrupt crime, SUGAR TAF supported the Execution and Bailiffs Division (EBD) to constitute its Court Users Committee and to define the group's terms of reference. Building on this support, TAF drew upon engagements with the EBD and the broader Judiciary and made inputs into the amendment of the court bailiff's rules. When completed, these rules are positioned to ease the enforcement of recovery orders at the court including those on corruption. Partly as a result of SUGAR TAF's close engagement of the Judiciary, anti-corruption continued to be a priority within the Judiciary with an anti-corruption session being held by the Court of Appeal in October 2018 and another slated for July 2019. For the first session, direct case support was provided by SUGAR TAF in three matters. Of the three, one has been concluded with the appeal dismissed and the conviction and recovery

order of the trial court confirmed, while the other two cases are still pending judgement. In preparation for the second session, SUGAR TAF analysed the grounds of appeal in cause-listed cases and updated a corruption case handbook for appellate courts to highlight arising issues. This draft handbook was shared with the panel of Justices to chair the July COA session, and the court agreed to work with TAF to enrich the handbook into a comprehensive practitioners' handbook to be formally launched in 2020. In addition, the programme worked with the COA to convene a multi-stakeholder meeting between the court, defence counsel, IG, URA and ODPP prosecutors to review the criminal session on corruption cases held in October - November 2018 and to agree on modalities for conducting a subsequent July 2019 session. The meeting was chaired by Hon. Justice Kenneth Kakuru on 26th June 2019 and attended by 14 prosecutors, ten defence lawyers and two judicial officers.

4.3 Asset Recovery

FY 2018/2019 saw an increase in the effectiveness of asset recovery with the IG and ODPP recovering more funds than in the previous year. This development is a testament to SUGAR TAF's multi institutional approach to popularise asset recovery as a prime anti-corruption tool and an avenue to increase the risk for engaging in public sector corruption.

In FY 2018/19, IG and ODPP recovered a total of UGX 1,372,565,298. IG recoveries alone amounted to UGX 1,192,024,540, a 94% increase in total recoveries from the previous year and the ODPP's totalled UGX 180,540,758. These improvements are attributed to the institutions' increased prioritisation of asset recovery and the appreciation and utilisation of SUGAR TAF's asset recovery advice, direct case support, and training. Enhanced staff capacity at both institutions was aided by SUGAR TAF training and these institutions are better positioned to restrain and monitor assets at the investigation stage, and pursue asset recovery both in court, and through negotiated settlements and voluntary returns, at the IG. SUGAR TAF provided asset recovery technical advice to prosecutors, investigators and judicial officers in 18 cases. Advice was offered in a range of matters including restraint applications, double recovery challenges, capturing the proceeds of crime beyond indicated instances, illicit enrichment charges, laundering complications and dissipation risk issues among others.

SUGAR TAF also held asset recovery training for 47 officers from LEAs including the IG and ODPP and held two training sessions for ACD magistrates in the use of enhanced recovery mechanisms and the processes essential to making recovery orders which will withstand the appeal process. SUGAR TAF also maximised opportunities to raise awareness on the asset recovery cycle, tools, challenges and best practices including at the inaugural JLOS annual anti-corruption forum. In the last quarter of the FY, the programme provided technical guidance to the IG on the enforcement of recovery orders worth UGX 1,601,197,532. These applications are awaiting hearing in the Executions and Bailiffs Division (EBD) of the High Court and this support is expected to contribute to even more recoveries by the institution in FY 2019/2020.

Recognising shortcomings in the Uganda's asset recovery legislative framework, SUGAR TAF provided technical support to government institutions in their bid to enhance existing recovery capacity through formulating an all-embracing statute which will incorporate civil recovery mechanisms amongst others. The SUGAR TAF has been working closely with the head of legal at Directorate of Ethics and Integrity (DEI) to develop a justification for this proposed legislative overhaul and also in the preparation of a Regulatory Impact Assessment.

Civil Sanctions

In FY 2018/2019, SUGAR TAF continued support to the Attorney General's Office (AGO) to demonstrate the viability of civil recovery as a tool for recovery of government funds lost in cases of fraud and breach of contract. Having supported the AG to file six test cases worth UGX 404,000,000 in FY 2017/2018, SUGAR TAF in FY 2018/2019 focused on supporting AG attorneys in the trial of these cases. Partly as a result of this support, three of the six cases progressed through court process, with one case coming up for hearing for the first time in court, mediation being completed in another case, and settlement being reached in the other by both parties. SUGAR TAF has documented this experimental approach and captured lessons to inform Uganda's next steps if civil recovery is to be explored as an option for recovering government assets and funds.

UGANDA'S LAW ENFORCEMENT AGENCIES AGREE ON THE NEED FOR A PROCEEDS-OF-CRIME BILL

With SUGAR-TAF's advice, Uganda's anti-corruption institutions have initiated efforts to develop a Proceeds-of-Crime Bill.



For over three years, Uganda's institutions were deadlocked in their efforts to develop a law that would strengthen the country's capacity to recover proceeds of crime. Asset recovery has been a noted weak point in Uganda's anti-corruption efforts: the legal system has been limited in its capacity to recover assets acquired through criminal means. Existing legislation on asset recovery is fragmented and difficult to apply. Heads of law enforcement agencies agreed on the need to do something and formed a 13-member taskforce for that purpose, but they could not agree on how to proceed.

The major stumbling block was that not everyone on the taskforce believed that the bill should include provisions for civil recovery. The Attorney-General asserted that freezing and seizing assets prior to a criminal conviction is unconstitutional, as it violates an individual's right to be presumed innocent until proven guilty. But if the legal system waits until someone has been convicted before making any efforts at freezing and holding assets, this affords criminals ample time to transfer and hide whatever they have gained through their crimes.

In 2017, SUGAR-TAF helped the taskforce to overcome the deadlock. Firstly by working with the IG to convene a Taskforce Conference on Civil Recovery where all stakeholders could come together and discuss the issue. SUGAR TAF also provided practical examples of how other countries have drafted similar legislation without violating the presumption of innocence. With this new information, the group was largely able to agree on key principles on which to base the new bill.

The next major step in the process is to meet a new Government requirement to conduct a Legislative Impact Assessment process, which SUGAR TAF will support in FY2018.2019.

CORRUPT PUBLIC OFFICIALS ARE REMOVED FROM THE PAYROLL



SUGAR-TAF has provided the Ministry of Public Service with information on convicted public officials which has allowed them to follow up and remove those still on the payroll.

When public officials have been convicted of a corruption-related offence, they must be removed from office by law. The Ministry of Public Service (MoPS) plays an important oversight role in the management of public servants. In 2017, SUGAR-TAF found that MoPS had not been informed when public officials had been convicted of corruption, thus constraining its oversight role.

Mr. Allan Muhereza, Assistant Commissioner at MoPS, explains, "The biggest problem we have is that when someone is convicted and we don't know. There has been no communication between us and the various prosecution agencies. We don't have communication with any of them." SUGAR-TAF has assisted by convening stakeholders to come up with a clearer method. Mr. Muhereza says, "We're trying to establish communication channels, such that when a public officer is convicted of corruption, then the responsible officer is notified of the ruling, and we get a copy, and also the service commission gets a copy." In the meantime, SUGAR TAF has compiled lists of convicted public officials for MoPs to check if the officials are still on the payroll and take action if they are. Mr. Muhereza explains that once MoPS knows that an official has been convicted but not removed from office, the procedure is clearer: "We write to the district...and ask them to take action. Then we have systems of checks and balances: If a district doesn't comply, we write to Ministry of Local Government to follow up. Also, districts are appointed accounting officers for a particular year, that is done by Ministry of Finance. If the accounting officer isn't doing their job, we can recommend to the Ministry of Finance that they be removed." The engagement between SUGAR TAF and MoPS has resulted in a number of convicted public officials finally being removed from the payroll. More importantly, it has alerted MoPS to the issue and has triggered the search for a more permanent solution through improved communication and enforcement processes.

4.4 Administrative Sanctions

With support from SUGAR TAF, in FY 2018/2019, government institutions strengthened the effective application of disciplinary and administrative sanctions in corruption and other cases. At JSC where the bulk of SUGAR TAF support on administrative sanctions has been delivered, disciplinary action was issued in 20 cases, a significant increase from 11 in the previous year. In total, 13 judicial officials were charged, one dismissed, one reprimanded, three cautioned/warned and two recommended for interdiction. To support the JSC to handle complaints more effectively, SUGAR TAF provided direct case support for 48 investigation and prosecution cases and complaints.

This case support was delivered in a hands-on manner with a view to aid adoption of best practices on complaints handling by JSC. To complement case support and strengthen complaints handling, SUGAR TAF conducted training for 19 JSC staff, including the newly recruited investigators, in intelligence-led investigation. This training was designed to establish a strong foundation for the conduct of well-structured investigations and was complemented by the development of case handling process map, administrative sanctions guidelines, and investigations guidelines. SUGAR TAF employed a collaborative approach to the development and testing of these materials and facilitated working sessions with investigators and prosecutors accordingly. By the end of the FY, these materials were awaiting formal approval by the disciplinary committee.

To build upon support in previous years, SUGAR TAF also facilitated engagements and information sharing between prosecution agencies, service commissions and the Ministry of Public Service to effect the rigorous application of administrative corruption. Partly as a result of SUGAR TAF's collaborative efforts, 16 convicted public official that were unlawfully still on the payroll, were removed by March 2019 and the Ministry of Public Service has continued in this regard. A key development in this work has been SUGAR TAF's broadening of the network of stakeholders engaged in strengthening of administrative sanctions to include the Anti-Corruption Coalition of Uganda (ACCU) and the recently formed State House Anti- Corruption Unit (SHACU). With increased engagement on administrative sanctions by multiple stakeholders, SUGAR TAF hopes for greater action and accountability and as such an increase in the risks for engaging in corruption.

FROM COMPLAINTS TO COMPLIMENTS: MBALE HOSPITAL'S C&C DESK

The Compliments and Complaints Desk at Mbale Hospital has increased both staff accountability and staff morale.



Mbale Regional Referral Hospital is a 400-bed public hospital serving people living in Mbale and 10 surrounding districts, located in Mbale town, in the east of Uganda.

The Compliments and Complaints (C&C) Desk was established in September 2017 as part of a broader effort to strengthen the hospital's Client Charter. Having a clear mechanism to receive and respond to complaints against staff can also help to deter corrupt practices, such as the withholding of services unless bribes have been paid. At the request of the Ministry of Public Service, SUGAR-TAF provided technical support and advice in setting up the C&C desk. The fact that the desk registers compliments in addition to complaints has helped greatly with acceptance, and the functioning of the Desk.

Over time, public awareness of the C&C Desk has increased and more people have used the desk to register both complaints and compliments. Management response to complaints has become more formalised. The C&C desk provides weekly reports to the hospital, and the hospital provides monthly feedback on actions taken in response. More recently, complaints have been reported to the board, showing that they are being taken seriously by the hospital. Increasingly, cases are brought before the hospital Rewards and Disciplinary Committee when staff are found to be in the wrong. In a few cases, staff have also been referred to the police for further investigation. Hospital management has increasingly seen the desk as a useful source of information, and the fact that complaints are followed up on creates an atmosphere of greater transparency and accountability. The positive feedback from compliments has also had a positive influence on staff morale. The C&C desk both represents and has contributed to the excellent performance at the hospital, with Mbale hospital recently being ranked first out of all Ugandan hospitals in a government assessment of performance.

In 2017, SUGAR TAF piloted an experimental intervention to test the effectiveness of administrative sanctions in increasing the risk for engaging in corrupt behaviour and improving service delivery. In doing this SUGAR TAF set up a compliments and complaints (C&C) desk at Mbale Regional Referral Hospital (MRRH) and supported MoPS and MOH to develop and publish a client charter which was printed and publicised at the hospital. In its second year of running, the desk registered 177 complaints, a significant increase from the 90 received in the previous year, indicating that hospital users are increasingly aware of the client charter and are utilising the complaints system. In addition, the system also indicates that only 13 of these complaints were corruption compared to the 25 received in the previous year, a marker of positive behaviour change by hospital staff. In addition, while in FY 2017/2018, 27 compliments were registered, 82 were reported in FY 2018/2019 which further points to the improvement in service delivery at the hospital. In this case improvements in service delivery were ushered in by close monitoring by service users and parallel increase accountability by service providers at the hospital.

4.5 Information Management

As in previous years, SUGAR TAF continued support for the development and enhancement of information management systems designed to improve the efficiency and effectiveness of case management across the anti-corruption chain and beyond.

In FY 2018/2019, usage training was conducted for system users at JSC, ODPP and MRRH to familiarise them with newly-added functionalities and at PSC, the information management system was upgraded to create a multi-user platform that would further strengthen case management. At IG, DCL and ODPP, SUGAR TAF advisors provided IT support to respond to change requests, and change management advice to aid day-to-day usage of the system and utilisation for operational and management decisions making. The programme also facilitated dialogue among 17 officials from IG, JSC, PSC, ODPP and DCL to share information, compare system utilisation progress and learn from each other.

At the IG, where SUGAR TAF has had the longest engagement, CMS+ has shown the most progress with utilisation of the system already bearing fruit most notably by reducing the time between registration of



Hon. J. Mike Chibita, Director of Public Prosecutions (DPP) (Center) speaking at the Anti-Corruption Public Dialogue held on June 19th 2019. The SUGAR TAF-supported dialogue was convened by the DPP together with JLOS and also enlisted the support of civil society actors including Africa Freedom of Information Center (AFIC), and Public Policy Institute (PPI). In his remarks, the DPP emphasised the ODPP's strategy to integrate recovery of illicit asset into all corruption prosecutions. To his immediate left is Hon. Justice Lawrence Gidudu, Head of the Anti-Corruption Division (ACD) of the High Court.



(Foreground) Angela Byangwa, Executive Director of Rwenzori Anti-Corruption Coalition (RAC) making remarks at the Anti-Corruption Public Dialogue on June 19th 2019.

a complaint and the initiation of investigations from almost 60 days to 20; and from complaint registration to case sanctioning from three months to under a week (see change story on page 20). At the other institutions, the registration of cases, including the capture of more detailed data on reported corruption, is functioning at 100%. While full capture of data on investigation, prosecution and other functions requires more effort, success at the registration stage is providing information about the nature of corruption. SUGAR TAF support will now be focused on strengthening usage of the system across the stages and utilisation of data for management decision making.

4.6 Leadership & Change Management

SUGAR TAF's objective to strengthen the effectiveness of anti-corruption functions is hinged on ownership for new approaches by leaders at different levels in institutions. As such, in FY 2018/2019, the programme continued to invest in building leadership skills both for institutional heads, and for technical officers who are positioned to champion new and improved ways of working. SUGAR TAF provided individual and team coaching sessions for the top leadership of ODPP, and FIA and also supported change management endeavours across the chain. In FY 2018/2019, new change management committees were formed at DCL, PSC and JSC, and the engagements at the IG change management committee intensified. Specifically, these committees

and interventions have been pivotal in driving the adoption and utilisation of information management systems and consequently supporting the adoption of new ways of working.

Recognising the significant proportion of procurement corruption in Uganda, and therefore the relevance of PPDA in any anti-corruption efforts, SUGAR TAF extended leadership and management training to 27 senior and mid-level managers of the institution including the Acting Executive Director. The training, which focused on enhancing self-leadership, team-leadership and strategy-leadership skills, also covered change management and project management aspects as deemed necessary by a comprehensive needs-assessment conducted prior to the training. SUGAR TAF's leadership training, mentorship and coaching support has been greatly appreciated by beneficiaries and leaders from ODPP, FIA and PPDA have attested to the transformational benefits of the issue-based and learner-led approaches used.

4.7 Demand-Side Engagement

SUGAR TAF in FY 2018/2019 piloted efforts to increase demand side actors' engagement on anti-corruption issues. In doing this, the programme strategically targeted the media and key civil society organisations with the intention to broker stronger relationships between these actors and AC chain institutions, and to prompt joint responses to key anti-

IG'S AUTOMATED CASE MANAGEMENT SYSTEM (CMS+) RADICALLY IMPROVES SPEED & TRANSPARENCY OF CASE HANDLING

The Inspectorate of Government has introduced CMS+ to all its regional offices, reducing case processing times and improving the quality of case supervision.



Ms. Dominic Baru is the Regional Investigation Officer in the Inspectorate of Government's (IG's) Mukono office. She's been the investigating ombudsman and corruption complaints for the IG for over a decade, and leading a dedicated team of six at the Mukono Office for the last five years. In 2016, she was involved in the development of the SUGAR-TAF supported Case Management System Plus (CMS+). She notes this is something that IG had tried to do before, but efforts had not been successful. This time, however, she is extremely satisfied with the outcome.

Ms. Baru notes that "The introduction of CMS+ increased the speed of moving a case from registration to allocation...Previously this step in case handling could take 6 months or more as cases were physically transferred to Head Office, sat on desks, got overlooked etc., post CMS+ you can see it takes less than two weeks." Because the system tracked baseline and ongoing data on the time required at each stage in case handling, Ms. Baru is confident in these figures.

Beyond this, CMS+ has improved case supervision, and hence the transparency of the process: "Before we could keep cases in cabinets and it was hard for the supervisor to know what everyone was doing and monitor progress so cases could be forgotten. This affected performance," Ms. Jacqueline Nababi Ssemwezi, an IG investigation officer.

Ms. Baru and Ms. Ssemwezi attribute the success of CMS+ to leadership within the IG, as well as the flexible and responsive support provided by SUGAR-TAF.

By the numbers:

- Registration of complaints is now fully automated: 100% of complaints received by IG are registered into CMS+
- Sanctioning and allocation of cases is now automatically done on CMS+
- 87% of users report the system as easy to use
- The average time between the registration of a complaint and the initiation of an investigation has been cut from 60 days to 20 days.

corruption constraints.

To further understand the extent of AC institutions engagement with the media, SUGAR TAF conducted an assessment of the strategic communications capacity of AC chain partner institutions. Findings from this assessment informed the development of a joint communications strategy and other support interventions. Furthermore, SUGAR TAF conducted a media training and awareness session with 25 journalists including editors and reporters from leading print and broadcast media, and supported AC agencies communications personnel to form a Technical Working Group to strengthen media engagement. Feedback indicated that 100% of the respondents agreed that the training met their needs and they particularly praised the highly qualified speakers and the honest discourse on misconceptions by both journalists and government officials on corruption and Uganda's anti-corruption efforts.

SUGAR TAF also engaged with the Anti-Corruption Coalition of Uganda (ACCU) on the removal of public officials convicted of corruption from the payroll. In addition, TAF advised the Africa Freedom Information Center (AFIC) in a partnership with PPDA and MoPS, to develop public servants' capacity on open contracting. SUGAR TAF supported the Public Policy Institute (PPI) to mobilise participation for a public dialogue convened by the DPP and JLOS. The highly successful event, which was held under the theme "Enhancing Collective Action in Uganda's Anti-Corruption Response", brought together almost 300 guests from the public, private sector and civil society.

4.8 Integration of Anti-Corruption in Service Delivery

In 2017, SUGAR TAF conducted research and documented the institutional transformation experiences of UNRA, URA and Kampala City Council Authority (KCCA). In FY 2018/2019, SUGAR TAF extracted key innovative approaches to anti-corruption and lessons from this research and developed tools to guide their adoption by other institutions looking to transform, tackle corruption and improve service delivery.

SUGAR TAF support for the integration of anti-corruption in service delivery was directed in two ways: first for the sustenance of UNRA's transformation through strengthening the institution's procurement investigation function which is critical to the high-spend institution's ability to deliver on its mandate; and secondly to PPDA

which was specifically targeted as procurement has a high incidence of corruption and therefore PPDA is a key institutional player in anti-corruption in Uganda.

To support UNRA, SUGAR TAF conducted a procurement risk assessment and provided case-based data analysis support to the investigation team at the institution. Already this analysis is being used in complex cases including on land acquisition. Implementation of the recommendations of the procurement assessment is expected to strengthen the effectiveness and efficiency of procurements by UNRA and as such improve delivery of roads for Ugandans.

SUGAR TAF support to PPDA was focused on three key levels: leadership capacity building through coaching and training for top management and the board; technical advice to the new strategy development process; and support to the set-up of an Electronic Management Information System which will track all PPDA operations across the functions and increase accountability and transparency of procurements by the institution. So far, PPDA leadership has expressed commitment to the institutional transformation process and greatly appreciated SUGAR TAF support.





“ The laws are there, the institutions are there, but the personnel handling them are the problem. I don’t need a frightened civil service. The country needs confident and able leaders who know what is right and do what is right.”

HE President Yoweri Kaguta Museveni speaking at a national anti-corruption dialogue held on 4th December 2018 to commemorate the 25th anniversary of Transparency International Uganda (TIU).

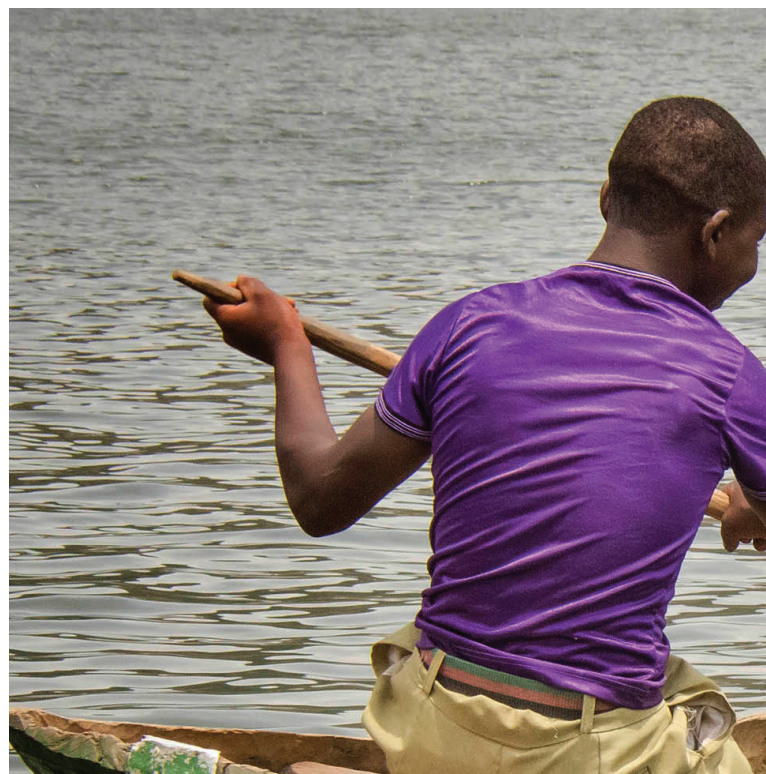
Picture (right): A woman vending bananas along Jinja Road, Kampala - May 2019. / Photo: Katumba Badru

A woman in a white t-shirt and a bright orange wrap around her waist is walking on a paved street. She is carrying a large basket filled with green and orange fruits on her head. The ground is covered with many fallen pink petals. In the background, there are modern buildings, palm trees, and a person on a motorcycle. The scene is bathed in a warm, golden light, suggesting late afternoon or early morning.

5. A LOOK AHEAD

In its final year of implementation, SUGAR TAF will continue delivering support towards increasing the risk for engaging in corruption. This support will enable GoU institutions to adopt and sustain systems, processes, and skills introduced by the programme to strengthen the effectiveness of criminal, civil and administrative sanctions and asset recovery. Great emphasis will also be placed on joint reflection and documentation of lessons learned in the course of delivering the programme. SUGAR TAF will also continue support for institutional transformation and will progress interventions aimed at reducing opportunities for corruption and improving service delivery. Engagement of demand side actors such as the media, and civil society organisations will continue with a view to equip them to further progress key anti-corruption issues beyond the lifetime of the programme.

For more information, please visit:
www.sugarfacility.org



Cover Picture: Pupils of Bwama Primary School in Bunyonyi Island, Kabale district, Uganda using a dugout canoe to go school - March 2019. / Photo: Katumba Badru



Implemented by

Adam Smith
International

In partnership with



**BASEL INSTITUTE ON
GOVERNANCE**