



UGANDA LAW SOCIETY

PROJECT NARRATIVE AND FINANCIAL REPORT

PROJECT TITLE:	Enhancing the Capacity of Lawyers and the Public in Uganda to Promote Accountability
EXECUTING ORGANISATION:	Uganda Law Society
FUNDING PARTNER:	The Partnership for Transparency Fund (PTF)
PROJECT REPORT PERIOD:	1 st April to 30 th June 2009
PROJECT PERIOD:	September, 2008- December 2010
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1.0 Activities Update

1.1 Policy advocacy for Legal Reforms

In a bid to share our evaluation of the operations of the Anti-Corruption Court and the objectives and progress of the Project with the Head of the Judiciary, we sought for and obtained a meeting with the Hon Chief Justice on the 10th June 2009. The meeting was also attended by the one of the Judges of the Anti-Corruption Court, Hon. Justice Paul Mugambwa, the Registrar of the Anti-Corruption Court Mr. Paul Gadenya, and the Chief Registrar of the Courts in Uganda Ms. Flavia Anglin on the part of the Judiciary; while the Law Society was represented by the President Mr. Bruce Kyerere, the Executive Director Mr. Byenkya Tito and the Ag. Coordinator of the Project, who is also the Head of the Legal Aid and Pro-Bono Services Department Mrs. Sylvia Namubiru Mukasa.

The President of the Law Society presented a written brief to the Chief Justice, highlighting the objectives and progress of the Anti-Corruption Project, including:

- Regular evaluation of the policy and legal environment in Uganda to inform legislative reform. To this end, the Society has prepared and submitted a position paper on the Anti-Corruption Bill to Parliament, which Bill had since been passed by Parliament pending Presidential assent.
- Provision of technical legal assistance to existing anti-corruption initiatives like the government led Inter Agency Forum, or the Civil Society led Anti-Corruption Coalition.
- Working with and evaluation of the proceedings of the Anti-Corruption Court. The initial evaluation of the court revealed that it:
 - i) Enjoyed unlimited Jurisdiction
 - ii) Was quite speedy in determining cases before it, averaging 40 to 60 days per case.
 - iii) Had so far meted out deterrent and prohibitive sentences, rekindling public trust in the judiciary's will to combat corruption, and making corruption a high risk low return venture, on the up side,

but also:

- i) Only had two judges to handle all the corruption cases presented before it, which would not only overwork them but also slow down the pace of resolution of cases.
- ii) Was located in Kampala, which is but just one of the 81 districts in Uganda. All the Anti-Corruption cases in the other 80 districts must be referred to and handled by the court in Kampala.
- iii) Was ailing under a Directive of the Principal Judge, which directed that all bail applications from any where in the country for corruption related cases must be heard and determined by the court in Kampala. This could inevitably delay or deny bail for corruption suspects since they and their files would have to be moved from

wherever they are in the country to the Court in Kampala, on the down side.

The Uganda Law Society President also thanked the Chief Justice for nominating the Registrar of the Anti-Corruption Court to sit on the Legal Experts Committee, which would inevitably create an ever present linkage between the Anti-Corruption Court and the ULS Anti-Corruption Project.

The Chief justice was appreciative of the Project and its objectives, and also welcomed the ULS team to keep him regularly updated on the progress of the Project. The Registrar of the court and the Chief Justice informed the meeting that:

- i) The Anti--corruption court was on a three year test pilot, after which they would consider opening up regional branches across the country. In the interim, the court would emphasize upcountry sessions at which the judges would travel and conduct court sessions; and that the court had already received funding to commence the sessions.
- ii) The court was soon to recruit four additional magistrates to ease on the workload of the two judges, who would also be trained in management of anti-corruption cases. In the interests of faster resolution of cases, the court could replicate the best practice of a *Clearing House* from South Africa, in which a pre-trial clearing house engages corruption suspects in minor cases and encourages them to remedy their corrupt acts.
- iii) The Anti-Corruption Court was to constitute a Court Users Committee in a meeting slated for 15th July 2009, on which Committee the representation and participation of the Uganda Law Society would be crucial.
- iv) The Judiciary would consider forwarding a representative from the Inspectorate of Courts to also sit on the Legal Experts Committee, so that the state of other courts other than the anti-corruption court with regard to dispensation of justice can be tracked by the ULS Anti-Corruption Project.
- v) The judiciary would consider the Bail directive from the Principal Judge at its meeting on the 15th July, to determine whether to revisit it in view of the challenges outlined by the Uganda Law Society.

1.2 Legal Experts Committee Meetings

During the period under review, the Society held one meeting of the Legal Experts Committee on the 21st April 2009 at the Uganda Law Society Secretaryariat, which considered among others:

- The Evaluation of the performance of the Anti-Corruption Court, which the members found satisfactory but called on the ULS Secretariat to enlist representation from the Anti-Corruption Court on the Committee. A letter requesting the Chief Justice to nominate a representative was subsequently forwarded, and he nominated the Registrar of the Court to sit on the Committee.

- The Reports from the visits of the regional Anti-corruption Coalitions in Teso in eastern Uganda and Rwenzori in western Uganda, which highlighted the Coalitions' need for legal assistance in consideration of complaints submitted to them from the communities; the need to demystify the Anti-Corruption Court to them; and the need to follow up on the cases which were submitted to the Director of Public Prosecutions but apparently *frustrated or dropped* without prosecution. The meeting resolved that the Law Society should request for and provide technical legal evaluation of the cases from the coalitions, which has since began¹; tasked the Secretariat to follow up with the Anti-Corruption Court on the aspects of its outreach to the regions; and requested the representative from the Office of the Director of Public Prosecutions to advise their regional offices to always provide feedback to the coalitions on the cases which the DPP opts not to prosecute. It was also agreed that the Society should visits the the other regional coalitions including the Kigezi Anti-Corruption Coalition in South western Uganda, and the Apac Anti-Corruption Coalition in northern Uganda.
- Enlightening the Chief Justice on the Project and its objectives, to ensure support and endorsement for the project from the entire judiciary. It was agreed that a meeting be sought with the Chief Justice of Uganda to bring him up to speed with the project and its objectives.

1.3 ULS Executive Council Evaluation Meeting

On the 30th April 2009, the Coordinator of the Project, Ms. Eunice Musiime presented the Project Progress Report to the Executive Council of the Uganda Law Society in a meeting in Entebbe.

The Council members appreciated the progress made so far, and:

- Informed the meeting that there was a directive from the Principal judge obligating all bail applications relating to corruption cases to be handled only by the Anti-Corruption Court in Kampala. It was the members feeling that such an arrangement would hinder justice to corruption suspects, and requested the Secretariat to schedule a meeting with the Chief Justice to review this directive.
- Requested the Society to visit all the regional anti-Corruption coalitions, particularly the *Apac Anti-Corruption Coalition*, which was highlighted as one facing a lot of legal challenges in the conduct of its activities.

1.4 Monitoring of the Proceedings of the Anti-Corruption Court

During the period under review, the Anti-Corruption Court passed its verdict in the case of the Director of Economic Monitoring in the External Security Organization, Mr. Teddy Ssezi Cheeye, who was convicted of embezzlement of

¹ The Society has so far handled 5 files forwarded to it by the Anti-Corruption Coalition Uganda, a brief of which is attached.

UGX. 100,000,000/= (US\$ 50,000) through his organization ironically called *The Uganda Centre for Accountability*. The court found that Mr. Cheeye had withdrawn the money meant for sensitization of communities on HIV-AIDS and prevention of Malaria and Tuberculosis, but instead diverted the funds for his personal use and submitted false and contradictory accountabilities. He was sentenced to a total of 28 years in prison and ordered to refund the entire sums that he misappropriated.

Also in the dock was Ms Annaliza Mondon and Elizabeth Ngororano who were charged with embezzling UGX 18,700,000/= worth of the same Global Fund monies through a company called *Valued Health Ltd* a company in which they were both Directors. Both the Prosecution and the defense presented and closed their cases, and judgment is slated for 3rd August 2009.

1.5 Review of Anti-corruption Legislation

The Society is finalizing with a position paper on the Whistleblowers Protection Bill, which will also be submitted to the Parliament.

1.6 Provision of Technical Legal Assistance to Regional Anti-Corruption Coalitions.

A team consisting of the Executive Director and the Researcher visited the Kigezi Anti Corruption Coalition (KICK) on the 18th May 2009; and the Apac Anti-Corruption Coalition on the 20th May 2009. Common issues arising from both coalitions were:

- The dissatisfaction in the manner in which the office of the Director of Public Prosecutions was handling some of the cases forwarded by the coalitions for prosecution (DPP). Some of these cases were never prosecuted, and yet the office of the DPP never gave the reasons for its option for non prosecution. The ULS team undertook to bring this issue to the attention of the representative of the DPP at the next Legal Experts Committee Meeting.
- The need to demystify the anti-corruption court, and advise on how the coalitions would be able to access it. The ULS team undertook to take this matter up with the Registrar of the Anti-Corruption Court.
- The need for regular interface with the coalitions, and sharing of legal resources and publications such as policy briefs with the coalitions. The Society agreed to regularly disseminate this information to the coalitions.
- The need for capacity building in legal analysis and other technical skills relating to the forms and composition of corruption. The Society team promised to establish whether such training and capacity building could be accommodated within the existing framework of support from PTF, or that failing seek additional support to address this major capacity gap that appeared to go to the root of the effective functionality of the anti-corruption coalitions.
- The need to offer legal assistance to complaints evaluation by the coalitions, to determine whether complaints submitted fell within the

ambit of existing anti-graft legislation. The Society undertook to provide this facility to the coalitions provided that copies of the complaints were forwarded in either electronic or actual form.

However, the Apac Anti-Corruption Coalition (*TAAC*) also raised a number of issues regarding unprofessional conduct of both lawyers and judicial officers within the region, which conduct amounted to corruption and embezzlement.

This included misappropriation of clients monies by lawyers some of whom the Law Society established were practicing illegally, as well as judicial officers who received but refused to receipt bail monies. The latter had been brought to the Inspector of courts when he visited the coalition in 2008, but despite obtaining copies of the documents supporting the complaints against the judicial officers, no action had since been taken.

It was subsequently agreed that:

- TAAC would compile details of all the cases alleged and forward them to the Law Society, for it to follow the issue up with the judiciary and Inspectorate of courts for the judicial officers; and with the Secretary of the Law Council for the errant lawyers. The Society would also, on its own accord, bring the errant lawyers to book for their ill conduct.

1.7 Documentation of anti-corruption developments

The Society continued to compile and analyze the different developments relating to (anti-) corruption in Uganda. This is aimed at creating a resource centre on anti-corruption for the benefit of the legal profession, as well as the other (civil society) actors in the anti-corruption crusade. (*The attached reports on the institutional linkages meetings with the regional anti-corruption coalitions in Uganda indicate that the resource centre will greatly aid the coalition's quest for law, policies and position papers to support their advocacy work*). The documents collected during the reporting period include:

- Policies and legislations on corruption at the national, regional and international levels. These include the *National Anti-Corruption Strategy for Uganda 2008/2013*; *the Leadership Code Act*; *the inspectorate of Government Act*; *the Inspectorate of Corruption Act*, *Regional and national conventions on corruption*, among others.
- Analyses, publications and position papers on corruption, such as *Business against Corruption: Case stories and examples on the Implementation of the 10th UN Global Compact Principle Against Corruption*; *Corruption, Governance and Globalization: Lessons from New Thailand*; and *Understanding the African Union Convention on Preventing and Combating Corruption and related offences*.
- Write-up on the analysis of the first seventy days of the Anti-corruption court which identifies the successes registered as well as weaknesses/gaps identified.

It is planned that we shall be able to regularly disseminate these resources and materials to the other actors within the anti-graft movement, including the anti-corruption coalitions who have already requested for them.

1.8 External Monitoring Visit by Ms. Shannon Fischer

On the 16th April 2009 the Uganda Law Society received a representative from the PTF project whose purpose was to evaluate the project performance. The meeting was attended by the Project coordinator, Ms Eunice Musiime, the Manager Professional Development, Ms Grace Babihuga, the Head Finance and Administration, Ms. Justine Wanda and Samuel Olumo, the Researcher. Shannon highlighted the background of the project and the role of Creative Associates International Inc as being reviewing the activities of the grants on behalf of PTF, and advice on the remaining project implementation.

The project coordinator presented the progress report to the evaluator which she commended by also advised that:

- The Law Society should send copies of the Minutes of the Legal Experts Committee meetings to PTF as attachments to inform them of the Committees areas of concern.
- The Law Society should ensure that it has an elaborate advocacy strategy within the project time frame to ensure that the project impacts to the community in regards to the graft fight.
- Uganda Law Society should not only document information but should also put in place a system of marketing the Corruption section of the Library, tracking usage both of the library and the website.
- The Uganda Law Society should assess the Act to see whether the recommendations were incorporated in the Act.

2.0 Financial Report.

The financial Report for the reporting period is hereto attached, which shows that **UGX. 17,482,193/=** of the initial deposit of **UGX. 18,269,815/=** has been spent from September to June 2009, leaving a bank balance of **UGX. 787,622/=**.

We hereby wish to request for remission of the balance of the Project funds from PTF to enable us undertake the remaining Project activities.

3.0 Emerging patterns.

In the process of implementing this project thus far, we have witnessed a number a number of emerging trends and lessons, which include:

- The continued calls for capacity enhancement and training of the members of the regional coalitions in aspects of monitoring, identification evidence preservation and reporting of graft cases. This is an emerging training need which we never envisaged at the formulation of the present project, which is nonetheless proving to be a crucial prerequisite for the effective operation of the coalitions.

- The need for regular visits to the regional coalitions, in which a team from the Law Society can spend for up to three or four days within the local setting of the regional coalitions to provide legal assistance to their programs such as attending to clients, participating in community outreach programs to offer legal backstopping, and to provide onsite legal evaluation of files and complaints.
- The revelation that the Anti-Corruption court is a three year pilot also presents new challenges, considering that the present ULS Anti-Corruption Project is slated to run its course within the first year of operation of the court. Considering that the Project through its legal experts committee presents a unique opportunity for the court's end users and civil societies to regularly interface with the court and enrich its operations with regular reviews of its performance from the public, we may have to consider tallying the existing project to the duration of the pilot phase of the Anti-Corruption court.

These are areas for which we invite the PTF to consider supporting, in order to make this project as effective as possible.

4.0 Advocacy Strategy

At the recent Project Monitoring visit by Ms. Shannon Fischer, she tasked the Society to detail an advocacy strategy to publicize project amongst the different stakeholders to ensure that the project would benefit all of them. We have accordingly outlined the strategy as follows.

- The select membership of the Legal Experts Committee, which draws on membership from all the state and non state actors in the anti-corruption agenda. The Committee regularly brings together the media, government, civil society, legal profession and judiciary each of whom will be updated on the developments in the anti-graft arena; and can share their challenges and best practices with rest of the anti-graft movement team members. Each of these members is expected to report on the project and its activities to their respective constituents.
- The regional outreach visits to the anti-corruption coalitions across the country also ensure that the project enjoys a nationwide appeal, and is appreciated by and enjoys the participation of all the stakeholders across the country.
- The planned stakeholders' dialogue will also provide an opportunity for the Society to share the lessons and recommendations from the Project with regard to combating graft with all the stakeholders.
- The publication of this and other Project reports on the ULS website will also ensure that other stakeholders without the geographical confines of Uganda can also share in the lessons and recommendations of the Project, and enrich it with their own experiences where applicable.

5.0 Next Quarter Activities

The planned activities for the next quarter are:

- Continue with the regular attendance of anti-corruption court proceedings.
- Continue with the periodic compilation of judicial and legal developments on (anti-) corruption.
- Organize and conduct the stakeholders' roundtable on Corruption in Uganda.
- Offer technical legal assistance to the Anti-corruption Coalitions on corruption related complaints and cases.
- Convene Legal Experts Committee for them to consider the various issues arising out of the Project activities implementation that may require their input.

6.0 Project Coordination

Ms. Eunice Musiime, the Project Coordinator, assumed her 4 (four) months maternity leave at the end of May 2009. The Project is currently being coordinated by Ms. Sylvia Namubiru Mukasa, the Head of the Legal Aid and Pro-Bono Services Department of the Law Society, who will act in Ms. Eunice's stead until October 2009.

Please note that all the attendant minutes of Meetings reported on, as well as Reports of the visits to the regional anti-corruption coalitions have been attached.

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