

CHAPTER ONE

1.0 SUMMARY OF THE REPORT

1.1 Introduction

This report is submitted in accordance with Article 231(1) of the 1995 Constitution, which requires the Inspectorate of Government (IGG) to submit bi-annual reports to parliament on the performance of the office and making recommendations which the office considers necessary for the efficient performance of public institutions; and to provide any other information that Parliament may require.

This is the 10th IGG Report to Parliament and it covers the period July – December 2003. The report is a summary of the activities of the Inspectorate of Government in the period under review and contains appropriate recommendations that have been made to various Government Institutions.

1.2 Structure of the Report

The report comprises six chapters dealing with various aspects of the Inspectorate of Government's (IGG) constitutional mandate.

Chapter One gives a background to the establishment of the office and a summary of IGG achievements during the period under review. The chapter also highlights IGG recommendations on issues pertaining to investigations, prosecutions and enforcement of the Leadership Code of Conduct.

Chapter Two covers the enforcement measures which are used by the IGG to curb corruption. These include investigations, prosecutions, enforcement of the Leadership Code of Conduct and recommendations leading to administrative action.

Chapter Three focuses on the preventive measures undertaken by the office to curb corruption and promote good governance. These include public awareness, publications and the Policy and Systems studies carried out during the period under review.

Chapter Four gives a summary of a few selected cases and recommendations made to various Government institutions.

Chapter Five looks at IGG training activities, various conferences organized or attended by the officers of IGG, Educational visits made and visitors received by the office in the period under review.

Chapter six highlights the challenges faced by the office in its day-to-day operations and future plans for improvement of the office operations.

The report includes Six Appendices:-

- Appendix A - A statistical presentation of IGG investigations and other activities.
- Appendix B - Some of the letters of Appreciation that IGG received during the period.
- Appendix C - The Inspectorate of Government Act, 2002.
- Appendix D - The Leadership Code Act, 2002.
- Appendix E - Chapter Thirteen of the Constitution of the Republic of Uganda, which deals with the Inspectorate of Government.
- Appendix F - Chapter Fourteen of the Constitution of the Republic of Uganda, which deals with the Leadership Code of Conduct.

1.3 Background

The Inspectorate of Government popularly known as IGG was established in 1986 by the NRM Government in response to the escalating and rampant occurrence of corruption in public offices and abuse of human rights due to bad governance in the past. In 1988, the office received legal backing with the enactment of the IGG Statute No.2 of 1988 and was further reinforcement by the Constitution of the Republic of Uganda which was promulgated in 1995.

The 1995 Uganda Constitution gave the IGG the mandate to promote and foster strict adherence to the rule of law, eliminate and foster elimination of corruption and abuse of office; promote fair, efficient and good governance in public office; enforce the Leadership Code of Conduct, investigate any act, omission, advice,

decision or recommendation by a public officer taken or made in exercise of administrative function; and to stimulate public awareness about the values of Constitutionalism in general and the activities of the office in particular through any media and other means it considers appropriate.

The IGG Statute of 1988 has now been replaced by the Inspectorate of Government Act, 2002. The Leadership Code Statute No. 8 of 1992 has also been replaced by the Leadership Code Act, 2002.

The jurisdiction of the IGG covers officers and leaders employed in the Public Service and other organizations, institutions or enterprises which use public funds. Article 227 of the Constitution provides that the IGG shall be independent in the performance of its functions and shall not be subject to the direction and control of any person or authority and reports to Parliament.

1.4 SUMMARY OF ACTIVITIES OF THE INSPECTORATE OF GOVERNMENT IN THE PERIOD JULY – DECEMBER 2003

1.4.1 The Inspectorate of Government has made steady progress in the implementation of its Corporate Plan 1998 – 2002, which is currently under review¹. The main objective of the IGG Corporate Plan is to strive towards the reduction of corruption and maladministration in public offices through improved accountability, transparency and good governance. Tremendous progress in this endeavour has been made through the following:-

- Investigations into various complaints involving corruption, maladministration and administrative injustices.
- Monitoring of the utilization of the Poverty Action Fund (PAF) in different Local Government Units.
- Arrests and Prosecutions of public officials found to be corrupt.
- Enforcement of the Leadership Code of Conduct.

¹ *A new Corporate Plan 2004 – 2009 is now complete*

- Carrying out Public Awareness programmes on the evils of Corruption.
- Studies of Government Policies, Laws and Systems with a view of removing bottlenecks that could be conducive to corrupt practices.
- Capacity Building of Staff through training in various technical skills.
- Cooperation with other stakeholders.

1.4.2 Approach in the fight against Corruption and Promotion of Good Governance in Public Offices

In its continuous effort to fight corruption and promote good governance in public offices, IGG continues to use a two pronged approach. These are Enforcement and Preventive Measures.

ENFORCEMENT MEASURES:

Enforcement measures include the following methods:

- (a) Investigations into cases of corruption, abuse of office and authority and mal-administration and prosecutions of officials implicated in corrupt malpractices and abuse of office and authority.
- (b) Enforcement of the Leadership Code of Conduct

(a) Investigations and Prosecutions

Investigations into complaints of corruption and prosecution of those implicated in corruption mal-practices have been and continues to be the main tools used by IGG to curb corruption and promote good governance in public offices. Investigations not only seek to punish those who are corrupt but to also absolve those who are innocent but have been unfairly complained against.

During the period July – December 2003 the Inspectorate of Government carried out various investigations into cases of abuse of office, embezzlement, irregularities in tender awards, mismanagement and non-payment of benefits among others. A total of 1946 complaints were received during this period and a total of 1,828 were brought forward from the previous period. The total number of

complaints handled in this period were, therefore, 3,773. Out of these, a total number of 948 (25.1%) complaints were investigated and completed, 208 (5.5%) complaints were referred to other institutions for action. The remaining 2,617 (69.4%) complaints are still being investigated.

IGG is also mandated to monitor the utilization of PAF funds and to investigate specific suspected misuse or poor management of UPE funds, Primary Health Care, Water and Sanitation, Agriculture and Feeder Road maintenance funds.

PAF inspections and monitoring was done in the districts of Kabale, Arua, Mbarara, Nakasongola, Sembabule, Kamwenge, Kumi, Ntungamo and Masaka, covering UPE, the Schools Facilities Grant program, The feeder Roads component, Primary Health Care, Water, Environment and Sanitation.

There were many cases of mismanagement of UPE funds, inflation of enrolment figures with a view of getting more capitation grant, certifying incomplete work as complete and shoddy work, political interference and conflict of interest in the award of tenders under PAF. Findings from the Inspections/investigations show that most of these malpractices are done through flouting of existing procedures and regulations.

It is, therefore, recommended that strict adherence to regulations and procedures in place should be observed by those concerned and severe punishment be meted out on those who flout the existing procedures and regulations.

Furthermore, on political interference and conflict of interest in tender awards under PAF, it is recommended that strict adherence to procurement guidelines and regulations should be observed and severe punishments be meted out on those who flout them.

It has also been noted that there is poor supervision and monitoring of the execution of contracts. Even when Central Government introduced funding for various authorities to supervise and monitor PAF Projects, the supervisors do not do the job properly.

In order to redress this situation, there is need for all authorities concerned to ensure adherence to the provisions of the Laws/Rules governing execution of contracts. In particular Accounting Officers should ensure that supervision and monitoring of Projects/Contracts is properly carried out.

On shoddy constructions, the IGG recommends that the SFG classroom construction guidelines should add a provision requiring the contractors to give a liability period on the construction done so that in case of shoddy construction, they are held responsible. The Ministry of Education should deploy Engineers/Supervisors, unlike the current practice where they deploy inexperienced staff who are easily manipulated by the District officials and contractors.

Detailed activities on PAF monitoring and inspections can be found in Chapter Two of this report.

Implementation of Ombudsman Function

IGG has since 2000 enhanced this aspect of its mandate. During the period under review, about 75% of complaints handled were a result of mal-administration or administrative injustice. These included:

- Inheritance disputes particularly those involving administration of estates by the Administrator General's Office.
- Property disputes particularly those involving officers of the Land Office.
- Improper tendering procedures especially by District Local Governments.
- Mismanagement of cases by Police and complaints relating to gratuity and pension against Ministry of Public Service.

Details of Ombudsman complaints that were handled are found in Chapter Two of this report.

Money Saved as a Result of Investigations

Most IGG Investigations, inspections, monitoring and public awareness programmes result not only in deterring public officials who would be tempted to engage in corrupt malpractices but also in Government savings and at times individuals get their due benefits. This is due to the dual role the IGG plays as an Anti-corruption agency and an Ombudsman. As an Ombudsman, IGG recommends that Government pays money to individuals either as duly earned benefits or compensation; while in its anti-corruption role, the office often recommends that embezzled money be recovered from the individuals concerned.

Tenders and contracts that are irregularly awarded and likely to result in loss of Government revenue are usually cancelled thereby saving Government a lot of money.

It should, however, be noted that money saved through preventive measures such as monitoring and inspections which act as deterrent measures and discourage public officials who would otherwise misuse public funds, cannot be easily quantified. IGG has also not taken keen interest in quantifying in monetary terms money saved by Government in cases where administrative actions such as dismissals, demotions or retirement in public interest have been recommended. Nevertheless, during the period under review IGG through investigations alone saved Government from losing over Shs.3.1 billion.

The powers of the Inspectorate of Government to arrest and prosecute public officials involved in corrupt malpractices are derived from the Constitution of the Republic of Uganda, 1995 and the Inspectorate of Government Act, 2002. During the period under review IGG arrested public officials involved in bribery, extortion and other malpractices. The following are the arrests which were made:

- On 22nd August 2003, the Principal Town Clerk of Njeru Town Council, Jinja District and the Chief Finance Officer, Njeru Town Council Jinja District were arrested and charged at Jinja Chief Magistrate Court on several counts of embezzlement, causing financial loss to the Government of Uganda and Abuse of Office. The total amount of money involved was Shs.259,950,000= . The duo have appeared before the Chief Magistrate of Jinja. So far four prosecution witnesses have testified and the case is coming up for further hearing on 26th August 2004
- On 30th September, 2003 No.32371 Detective Constable, a Police officer attached to CID Headquarters, Kampala was charged in Buganda Road Court after receiving a bribe of Shs.150,000= in order to grant a bail to the complainant. He was charged with corruption under the Corruption and Prevention Act of 1970. The last prosecution witness will testify on 30th August 2004
- On 8th October 2003, a Bursar of Moroto Primary Teachers College and a Principal of Moroto Primary Teachers College were arrested and charged with corruption. The two offered gratification/bribe of Shs.1.000.000= to an officer of the Inspectorate of Government in order to drop investigations which was

instituted against them. The duo were charged at Buganda Road Court and the last prosecution witness is expected to testify on 9th September 2004.

- On 16th October 2003, an employee of Impact Associates, Kampala was arrested and charged in court for corruption. He received a bribe of shs.500,000= from a client in order to reduce charges of ground rates to the prejudice of Kampala city council. The suspect was charged at Buganda Road Court and only one prosecution witness has so far testified. The case is coming up for mention on 14th September 2004.
- On 3rd November 2003, the Secretary, Luwero District Land Board and the Records Assistant Luwero District Land Board, were arrested for corruption. The Secretary received shs.160,000= and the Records Assistant received Shs.10,000= in order to sign the letters of Lease offer for a client. The duo were charged at Luwero Chief Magistrate's Court. Only one witness has so far testified. The case comes up for further hearing on 2nd September 2004.
- On 24th November 2003, a member of staff of M/s Victoria Insglass Ltd was arrested and charged in court of law for receiving a gratification of Shs.60,000= in order to exempt a client from paying for a Trading License to Kampala City Council. Charges against the suspect were withdrawn due to insufficient evidence on record but a recommendation was made to KCC to terminate the Agency contract with Ms Victoria Insglass Ltd for breach of clauses of the contract.
- A sergeant of Local Administration Luwero district, was arrested on 15/12/2003 for receiving a bribe of Shs.10,000= from a complainant in order to dispose of a case of alleged possession of opium against the complainant. The Sergeant was never taken to court. His case was referred to CAO Luwero with a recommendation that the matter be handled administratively.

As already pointed out the 1995 Uganda Constitution and the Inspectorate of Government Act 2002 gives IGG among other things the powers to prosecute those public officials investigations reveal to be corrupt. Consequently during the period under review, the IGG prosecuted 37 cases, Five of which were new while 32 cases were carried forward from the previous period. Five cases were concluded, four of these resulted in acquittals while one resulted in conviction.

Challenges Encountered in Investigations and Prosecutions

- Inability of IGG to attract and retain experienced staff due to poor remuneration of its staff. Government should seriously consider paying IGG staff a salary commensurate with the risks involved in the nature of work they do.
- Lack of co-operation and support from partner institutions
- Court delays – This adversely affects the prosecution of cases as some witnesses are sometimes compromised along the way, others lose interest in the cases and other die before they testify. To address this problem, special Anti-corruption courts should be established to reduce on the court delays. Government should also consider increasing the number of Chief Magistrates at each station to two and Magistrates should be trained in Financial Crime, as this would save time spent by Magistrates trying to grasp technical matters pertaining to the nature of cases prosecuted by IGG.
- Lack of cooperation from key witnesses and collusion of key witnesses with suspects.
- Intimidation of witnesses by culprits or their accomplices. To address this problem, Government should expedite the enactment of the witness protection law.

(b) Enforcement of the Leadership Code of Conduct

The 1995 Uganda Constitution and the Leadership Code Act 2002 mandate the Inspectorate of Government to enforce the Leadership Code of Conduct.

S.4(1) of the Leadership Code Act requires that a leader submits to the Inspector General of Government a written declaration of the leader's income, his/her assets and liabilities and those of his/her spouse, child and dependants in the prescribed form.

During the period under review the following activities were carried out:

- Designing and printing the form for declaration of income, assets and liabilities.
- Updating the leader's register².

² The leader's register's has been updated. IGG is now verifying leader's assets and liabilities

- Distribution and receipt of income, assets and liabilities forms. About 88% submissions were received and a list of leaders who failed to declare was compiled and notices were sent to leaders who failed to declare.

Some leaders were identified as having failed to declare without reasonable cause. Consequently reports for their dismissal due to the breach of the Code were sent to the appointing authorities to take action. The leaders in this category included among others, a Presidential Advisor, Leaders from Uganda Revenue Authority, Uganda Electricity Transmission Company Ltd. and Bank of Uganda.

Appeals against the decisions to dismiss those who breached the code were received. Some cases were reviewed on medical and other technical grounds and the leaders were re-instated.

Details of the activities that were carried out under the enforcement of the Leadership Code of Conduct can be found in Chapter Two of this report.

1.4.3 PREVENTIVE MEASURES

Although enforcement measures tend to attract more public attention, experience and studied observation have both shown that preventive measures are more effective in combating corruption, promoting the rule of law, administrative justice and good governance. Hence during the period under review in the endeavor to fight corruption and promote good governance in public institutions IGG continued to adopt a proactive strategy involving public awareness programmes, studies and research into Government policies and systems with a view to recommend remedies where weaknesses are found that may encourage corruption.

1.4.3.2 Public Awareness Programmes

During the recent National integrity Survey, whose report was issued in April 2003, it was reported that 70% of Ugandans now know about the functions, jurisdiction and powers of IGG's office. This is a result of a concerted proactive effort by the IGG to disseminate information about the office and other vital anti-corruption messages to the public through the print and electronic media.

During the period under review IGG continued to carry out public awareness programmes through radio and television. The objective of these programmes was to educate the public about the values of constitutionalism, the evils of corruption and their constitutional right to access public services without having to pay bribes or any other extra costs. The public was also made aware of their civil duties and

responsibilities to demand accountability of public funds from their leaders, ensure there is value for public funds and report corrupt practices, mismanagement or abuse of office to IGG.

Within the period IGG also aired programmes on both Radio and Television about the Leadership Code Act 2002, the Inspectorate of Government Act 2002 and appeals were made to the public to develop zero tolerance for corruption, abuse of office and administrative injustices.

Public awareness was also raised on the Poverty Action Fund in order to educate and enhance public support in monitoring PAF activities and ensure accountability and value for money.

The aim of the programmes was to inform the public about the Poverty Action Fund, the guidelines to be followed, how PAF is monitored and supervised and the role of the Institutions including the IGG that monitor the fund and an appeal to the public to participate in monitoring PAF activities.

The IGG aired more than 250 public awareness programmes and jingles on Radio Uganda, Voice of Toro, Voice of Teso, Radio Paidha, Radio West, CBS, Radio Four and Capital Radio. The choice of radio stations was based on the extent of transmission, regional coverage and language zones.

These public awareness programmes have prompted the public to report corrupt practices and to form partnership with IGG in the fight against corruption.

Publications

During the period the IGG published and printed the July and December issues of the quarterly *Inspector Magazine*, the 6,000 copies of the magazine were widely distributed to stakeholders and to the public through some selected bookshops around the country.

IGG also published and printed five brochures covering matters related to Leadership Code Act 2002 and general information on the Inspectorate of Government Act, 2002. Furthermore, IGG continued to publish *IGG Weekly Briefs* that summarizes events and achievements at both the Regional offices and Headquarters.

Broadcast and Electronic Communication

IGG recognizes the fact that Uganda has a low tele-density and radio broadcast is the most efficient mass medium, which is cheap, flexible and easily accessible. IGG, therefore, aired more than 250 public awareness programs and jingles through both Frequency Module (FM) and Amplitude Modulations (MW, AM, SW) radio stations within the period. Plans are in advanced stage to sign contracts with radio stations in all towns where the ten (10) Regional Inspectorate of Government offices are located.

The office also routinely updated the IGG website; www.igg.go.ug

1.4.4 Policy and Systems Study

The Constitution of Uganda and the Inspectorate of Government Act 2002, empower the IGG to promote fair, efficient and good governance in public offices. Given that institution building has been identified as a key anti-corruption measure, the IGG carries out research into operations, policies, systems, procedures and legislation of various Government Departments and Institutions with a view to identify weak areas that may be conducive to corruption and make corrective recommendations.

During the period under review four studies were completed and four others are at different stages of completion. Completed studies include:

- The management of Primary Teachers' Payroll in Uganda, A case study of Mpigi, Luwero and Wakiso Districts.
- The Operations of the Administrator General's Department.
- Issuance of Registration Certificates for Grade III and Grade V Teachers by the Ministry of Education and Sports and Kyambogo University ITEK.
- Revenue Expenditure of the Judiciary

Those pending completion include:

- Lands Office
- Operations of Technical Institutes under the Ministry of Education and Sports.
- The Allocation and Distribution of Drugs in Government Health Institutions
- Registrar General's Office.

Details of Policy and Systems Studies can be found in Chapter Three of this report.

1.5 OTHER ACTIVITIES

1.5.1 Strengthening of Regional Offices

The Inspectorate of Government has made steady progress in the implementation of its Corporate Plan regarding its structural arrangements. Two Regional Offices in Kabale and Hoima were opened in June 2003 and are now fully operational. During the reporting period the two offices handled a total of 277 complaints out of which 120 were handled by Kabale office and 157 complaints by Hoima Office.

The total number of regional offices is now 10 and these are located in **Fort Portal, Hoima, Mbarara, Arua, Kabale, Mbale, Masaka, Soroti, Jinja and Gulu**. The strategy of the Inspectorate of Government is to strengthen these 10 regional offices in order to make them more effective so as to meet the challenges of corruption that has been exacerbated in districts by decentralization. The need to strengthen the regional bases arose from the fact that the bulk of the complaints on corruption are being reported in the districts. For example, during the period January to June 2003 Regional offices accounted for 60.9% of the complaints reported on corruption compared to 39.1 of the complaints reported to the Headquarters. About 13% of these complaints were against District Administrators which was the highest category complained against.

The current period also indicate that the bulky of the complaints were reported to regional offices accounting for 63.5% of the total complaints and the district administrators were still the individuals highly complained about.

Furthermore, the IGG is aware that the extensive devolution of power for improved service delivery by shifting responsibility for policy implementation to Local Governments continues to require effective monitoring. The challenges for efficient and effective service delivery are still great and the opportunities for corruption in these processes are high.

1.5.2 Capacity Building through Training

The Inspectorate of Government attaches great importance on training of its staff in order to equip them with knowledge and skills to enhance their performance. The office is also aware that improvement of staff quality through professional training instills positive thinking and positive attitudes. During the reporting period, the IGG organized both in-house and external training programs though this was not extensive due to limitations in the budget. Training programmes carried out include: induction course for the newly recruited staff; training in legal writing; financial crimes/money laundering investigations techniques; Anti-corruption Investigations techniques; Introduction to New Procurement systems; Contracting of Services and Works and computer application skills among others. A total of 276 members of staff were trained in different disciplines.

Details of the training programs that were carried out are contained in Chapter Five of this report.

1.5.3 National and International Cooperation

- IGG recognizes that corruption is a problem of global concern and therefore strategies to combat it need to be coordinated at both national and international levels. To achieve this the staff of IGG as much as possible interacts with other stakeholders so as to share information on the strategies to fight corruption and promote good governance.
- The Inspector General of Government and two Senior Officers visited the Chinese Ministry of Supervision on the 10th July – 17th July 2003 in line with the protocol of Agreement between the Inspectorate of Government and the Chinese Ministry of Supervision. During the visit, the two Institutions discussed and exchanged ideas on strategies of fighting corruption and shared views on progress made in specific areas.
- In line with the Memorandum of Understanding signed between the Inspectorate of Government and the Egyptian Administrative Control Authority, a Senior Principal Inspectorate Officer, led a two-man delegation to Egypt on a Study Tour. During the visit, the officials shared information about the progress made in the area of fighting corruption and exchanged views, experiences and ideas on improving methods of investigation.

- A Chinese Delegation from the Ministry of Supervision led by the Minister of Supervision visited the Inspectorate of Government from the 17th – 24th August 2003. This was a return visit in line with the terms and conditions of Protocol of Cooperation between the Inspectorate of Government and the Chinese Ministry of Supervision. During the visit, the two Institutions discussed and exchanged ideas on strategies of fighting corruption, shared views on progress made so far in specific areas and the challenges of fighting corruption in this millennium. The Chinese delegation promised to provide the IGG with ten computers to facilitate its work.
The computers have since been provided.
- The monthly Anti-Corruption Meetings continued in the period under review to monitor implementation of the Anti-Corruption Action Plan. These meetings are chaired by the Minister of Ethics and Integrity and have enabled joint tracking of high profile cases, information sharing and joint solving of some of the problems faced by the Anti-Corruption Agencies.

1.6 GENERAL CHALLENGES, CONSTRAINTS, RECOMMENDATIONS, AND FUTURE PLANS

1.6.1 Challenges:

The challenges of major concern to IGG include:-

- The populace has high expectation from the office as an Ombudsman and an anti-corruption agency to handle their complaints expeditiously. The challenge is to convince and involve the civil society in fighting corruption and handle the backlog of cases due to insufficient staff.
- Obtaining evidence implicating High Profile Leaders including political leaders is still a problem, since high-ranking leaders are rarely involved in signing documents that would pin them down in case of prosecution.
- Regular courts are slow and have cumbersome legal technicalities, which tend to frustrate prompt prosecutions of corruption cases. For impact, corruption cases need to be expeditiously prosecuted while the case is still vivid in the public eye.
- To keep ahead of the sophisticated techniques the corrupt use to conceal their crimes.

- There is still reluctance by some of the institutions investigated to implement IGG's recommendations and this impacts negatively on the performance of the office.

1.6.2 General Constraints:

Despite Government efforts to support the office, so as to enable it fulfill its mandate, the office continues to face operational problems due to inadequate resources in the following areas:

Transport:

Most of the vehicles are old and need replacement. The problem of Transport is felt more by the Regional offices, which have one vehicle each. This makes operations very difficult especially when the vehicle is in garage.

Office Equipment:

The Regional offices are inadequately equipped, yet they each handle complaints from many districts. Currently the Regional offices are equipped with only one computer each and other basic office equipment, which are grossly inadequate.

Poor Remunerations of the IGG Staff:

The remuneration package given to IGG staff is neither commensurate with their contractual conditions of service nor with the high risk involved in the work they do of investigating and prosecuting people involved in embezzling large sums of Government money.

Poor remuneration has also led to a high turnover of staff especially among lawyers and other professional and skilled staff. In addition poor terms and conditions of service have led to the low morale amongst staff, which affects their output.

Because of poor remuneration to its staff, IGG has not been able to attract and retain experienced lawyers. This in turn has had an adverse effect on the successful prosecution of some of the more complex corruption cases. There is, therefore urgent need to improve staff remuneration.

Laxity in Implementing IGG Recommendations:

IGG sometimes experiences unnecessary difficulties in the implementations of its recommendations. In such cases it is not possible for IGG to realize any impact if the recommendations are not implemented. This also means that more resources are spent in following up recommendations, which results in a lot of wastage. The following are some of IGG's recommendations that have not been implemented, despite several reminders.

- The CAO and DEO Luwero, have not implemented IGG's recommendations to pay a former teacher at Buggala R/C Primary School (Luwero District) her arrears from September 1996 to January 1997. The teacher was transferred to Tororo College Primary School but was never paid her salaries of Shs.1.158,178=.,
- The Permanent Secretary, Ministry of Finance and Permanent Secretary, Ministry of Public Service have still not implemented IGG's recommendations to recover Shs.190,361,755= from different Government officials in various Ministries for vehicles they purchased from Government through Ministry of Finance in 1999.
- The Permanent Secretary, Ministry of Internal Affairs has not implemented recommendations of IGG to initiate disciplinary proceedings against three officials from Government Chemist Department in the case of double employment and for breach of Government Standing Orders.
- The Headteacher of Makerere College School has not effected deleting of seven teachers from the payroll as per IGG recommendations in a report issued 30/09/2003 concerning Mismanagement of Makerere College School by the Headteacher.
- The LCV, Kiboga has not warned the CAO, and the DEO as per IGG recommendations in a report issued 30/09/2003 for involvement in a case of alleged embezzlement of Shs. 50m by the DEO of Kiboga.
- The CAO Mubende has not dismissed the Headmaster of Biwanga C.O.U. Primary School for alleged inflation of pupils' enrollment as per IGG recommendations in a report issued 13/10/2003.

- The CAO Sembabule has not dismissed a former Supervisor of Works as per IGG recommendations in a report issued on 13/10/2003 concerning PAF investigations in Sembabule District.
- The CAO Mubende has not dismissed the District Inspector of Schools for Mismanagement of procurement of Primary Text Books Cycle as per IGG recommendations in a report issued 31/10/2003.

1.6.3 General Recommendations

District Administration and Municipal Councils

Analysis of the complaints received against Government Departments/Institutions during the period July – December 2003, indicated that most complaints 209 (10.7%) were against District Administrators (LCV Chairperson, CAOs, RDCs, CFOs etc).

Complaints against District Administrators mainly comprise of misuse of public funds, mismanagement, non-payment of employee benefits, mishandling, interfering in tenders and contracts and abuse of office. It should be noted that complaints against District Administrators have been the highest since the year 2000.

Municipal Councils/Town Councils ranked 3rd of the categories that were complained against during the period July – December 2003. The nature of complaints against Municipal Town Councils were mostly, unfair award of tenders and contracts, abuse of office, mismanagement and delay of service delivery. These complaints accounted for 6.2% of the total number of complaints registered during the period July – December 2003.

Local Councils were also complained against and they ranked the 6th of the institutions mostly complained against, accounting for 3.9%. Complaints against LCs include mismanagement and misappropriation of resources, abuse of office, and oppression/victimization.

It is therefore, recommended that:

More resources be devoted to capacity building at local levels and public awareness programmes on District Administrations' responsibilities and the rights of the citizenry should be carried out. The local population should be sensitized about their rights and about the evils of corruption so that they are competent

partners in its eradication. These two measures are important because most CAOs, CFOs and Town Clerks who are financial administrators lack experience and discipline in handling public funds. Control measures are continuing to be ignored and ledgers are not properly managed.

School Administration

Complaints against Head Teachers for both Primary and Secondary Schools were the second highest accounting for 7.3%. Most of these complaints were registered at Regional Offices. The nature of complaints against School administrations were among others, mismanagement of UPE Funds and other school resources; inflated pupil enrolment; “ghost” teachers on the payroll, and non payment of staff salaries and benefits.

The problems identified with Head Teachers of both Primary and Secondary schools, emanate from poor supervision and monitoring of schools by the Inspectors of schools. Head Teachers are still knowingly keeping ‘ghost’ teachers on payrolls and inflating pupils enrolment. Some Head Teachers also knowingly withhold teachers’ benefits for one reason or another. The District Directors of Education should, therefore, put a system in place to check such occurrences and the Inspectorate Department of Ministry of Education and Sports should revisit its work methods and strengthen its operations both at the Headquarters and at the district in order to rid schools of the identified anomalies.

Management of Tenders in Districts and Municipal Councils

From IGG’s experience in handling cases of management of Tenders, it has been noted that many tenders are still being mishandled to benefit crooked individuals to the detriment of public interest. It has also been observed that many times bid documents are not properly prepared. Bid closing/opening duties and time are arbitrarily changed; Evaluation of bids is not properly done or when it is done the Board ignored the recommendations and tenders are not necessarily awarded to the best evaluated bids.

Corruption is now also being observed in the implementation stage of contracts. Contractors with consent of Government officials, are over invoicing quantities of goods delivered or work performed. Reducing the quality of materials used for construction or delivering cheaper models of goods and obtaining contract variation orders to increase the amount of goods sold or work performed at inflated unit costs. The proceeds made out of such dealings are normally shared between

the contractor and Government officials or at times all the money is passed on to the officials provided the contractor is assured of the next contract. This is especially common in School Facilities Grant (SFG) and Road Construction.

Government officials are also involving themselves in writing bid documents for contractors. Due to the complexities associated with writing bid documents, inexperienced contractors are now engaging services of members of the Contracts Committees to help them draw bid documents or provide them with insider information so as to ensure that they win the bid.

Also in some departments high placed officials are influencing the way tenders are awarded. The evaluation criteria of some tenders are tailor made to suit a predetermined winner of the tender especially where the Government officials have vested interests.

To redress the situation, all the Local Government Tender Boards should be made to strictly handle procurements in accordance with the Procurement Law. The Public Procurement and Disposal of Public Assets Act 2003 now in place must be enforced so should the Regulations/Rules made there under.

1.6.4 Future Plans:

- Finalize a new IGG Corporate Plan as a strategic framework for the operations of the IGG for the next three years.
- Carry out District Integrity Workshops following the successful conclusion of the 2nd National integrity Survey.
- Continue routine monitoring and inspections on progress of both Government and donor funded projects to ensure better service delivery and value for money.
- Continue to create Public Awareness about corruption.

CHAPTER TWO

2.0 ENFORCEMENT MEASURES

In order to curb corruption and promote good governance in Public Institutions, the Inspectorate of Government continues to use four types of enforcement measures as highlighted below:

- Investigations into cases of corruption, abuse of office and authority
- Prosecution of officials found to have been involved in corrupt malpractices and abuse of office and authority.
- Enforcement of the Leadership Code of Conduct.
- Investigations into cases of Mal-administration in public offices

2.1 INVESTIGATIONS

2.1.1 During the period July-December 2003 the IGG workload in terms of complaints was as follows:

Complaints brought forward	-	1,827
New Complaints received	-	<u>1,946</u>
		3,773

Out of the 3,773 complaints that were available for investigations a total of 948 (25.1%) were directly investigated and completed while 208 (5.5%) complaints were processed and referred to other institutions/agencies leading to the total of complaints completed to 1,156 (30.6%). A total of 2,617 (69.4% complaints are at different stages of investigations.

During the previous period Jan – June 2003, a total of 1580 complaints were received compared to 1946 in the current period, reflecting an increment of 23% of the complaints received. The number of complaints that were brought forward from the previous period decreased from 1,889 to 1,827. However in overall terms, the workload increased by 8.8%

The workload for the periods January 2002 to December 2003 is illustrated in the table below:-

Table I
Workload January 2002 – December. 2003

	Jan – June 02	Jul. – Dec. 02	Jan – June 03	July – Dec. 03
Complaints brought forward	1369	1417	1885	1827
New complaints received	1501	1967	1580	1946
Total Workload	2870	3384	3465	3773
Complaints Investigated	1104	1003	1308	948
Complaints referred to other institutions	349	496	330	208
Total complaints completed	1453	1499	1638	1156
Complaints carried forward	1417	1885	1827	2617

Out of the 1946 new complaints that were registered during the period July – December 2003 only 226 (11.6%) were received from women compared to 1274 (65.5%) complaints which were received from men while those which originated from a group of individuals were 110 (5.7%). The “anonymous” complaints i.e. those whose identities were not revealed were 336 (17.3%).

The table below shows the complaints registered by each office:-

Table II**COMPLAINTS REGISTERED BY THE IGG JULY – DECEMBER 2003.**

Inspectorate office	Complaints registered	Percentage %
1. Kampala Headquarters	711	36.5%
2. Fort Portal	260	13.4%
3. Hoima	157	8.1%
4. Arua	123	6.3%
5. Mbarara	123	6.3%
6. Kabale	120	6.2%
7. Mbale	119	6.1%
8. Masaka	101	5.2%
9. Soroti	94	4.8%
10. Jinja	85	4.4%
11. Gulu	53	2.7%
Total	1,946	100%

The total number of complaints registered at Kampala Headquarters was 711 (36.5%) and the complaints registered at the regional offices were 1235 (63.5%).

NB: Details of the nature of complaints registered, are contained in Appendix A of this report.

Further analysis of the complaints received against Government Departments/and institutions during the period July – December 2003, indicated that most complaints 209 (10.7%) were against District Administrators (LCV Chairpersons, CAOs, RDCs, CFOs etc). Complaints against District Administrations mainly comprised: misuse of public funds, mismanagement, non-payment of employee benefits, mishandling and interfering in tenders and contracts and abuse of office. It is worthy to note that complaints against District Administrators have been the highest since the year 2000.

Complaints against Head Teachers for both primary and secondary schools were the second mostly complained about accounting for 7.3%. Most of these complaints were registered at Regional offices. The nature of complaints were

among others:- Mismanagement of UPE funds and other school resources; inflated pupils enrolment; “ghost” teachers on the payroll; and non payment of staff salaries and benefits.

Municipal councils/Town Councils ranked the 3rd of the categories that were complained against most during the period July – December 2003 and accounted for 6.2% of the total number of complaints. The nature of complaints against Municipal Town Councils were mostly; unfair award of tenders and contracts, abuse of office, mismanagement and delay of service delivery. The majority of these complaints against Municipal Town Councils were also registered at Regional offices.

Police was the 4th Institution mostly complained against, accounting for 5.6% of the total number of complaints registered. Most complaints against Police were registered at Kampala Headquarters. The nature of complaints received against police is mainly oppression/victimization, mishandling of cases, abuse of office, bribery and extortion; delay of service delivery among others.

Other public departments/institutions that were complained against mostly include Tender Boards (3.9%), Ministry of Public Service (3.9%), individuals/public officials (3.6%), Lands office (3.4%), Magistrate Courts (3.2%), and Sub county administration (3.1%). Complaints against the rest of the departments constituted rather a small percentage of the total complaints.

Private companies and organizations ranked the 5th most complained against Institutions. These accounted for 3.9% of the total complaints registered. Some of the examples of private companies that were complained against include, Victoria Inglass Ltd, Kinyara Sugar Works Ltd, Uganda Taxi Operators And Drivers Association(UTODA), Road Contractors and Engineers. The nature of complaints in this category includes non-payment of staff salaries, oppression/victimization, flouting of contract obligations etc.

Local Councils were also complained against and they ranked the 6th of the institutions complained against accounting for 3.9%. Complaints against LCs include Mismanagement and Misappropriation of resources, abuse of office, and oppression/victimization. The LCIIIs were the majority in this category.

A detailed analysis of complaints instituted against various institutions can be found in Table VI (Appendix A) of this report.

2.1.2. POVERTY ACTION FUND (PAF) INVESTIGATIONS:

As already pointed out under Chapter One, IGG is mandated to monitor utilization of PAF funds which include School Facilities Grant, Primary Health Care (PHC), Water, Environment and Sanitation, Agriculture and Feeder Road Maintenance Funds.

Under PAF monitoring activities, investigations in general revealed that:

- There were many cases of mismanagement of UPE Funds.
- Inflation of enrolment figures with the intention of getting more capitation grant.
- Certifying incomplete work as complete by the responsible district officials.
- Certifying shoddy work by some district officials.
- Political interference and conflict of interest in PAF tender awards.

Further more investigations revealed that most of these malpractices were done through flouting of existing procedures and regulations. It is therefore recommended that strict adherence to regulations and procedures in place should be observed by those concerned and severe punishment should be given to those who flout the regulations.

Also, on political interference and conflict of interest in tender awards under PAF, it is recommended that strict adherence to procurement guidelines and regulations should be observed and severe punishment meted out on those who flout them.

The Districts and relevant ministries should enhance monitoring and inspection of all PAF activities.

Below are some of the PAF inspections that the office carried out during the period.

2.1.2.1 POVERTY ACTION FUNDS (PAF) INSPECTION IN NAKASONGOLA DISTRICT FOR THE FINANANCIAL YEAR 2001/2002.

The office carried out an inspection of PAF Programmes in Nakasongola District for the financial year 2001/2002 and it was revealed that:

- (i) There was a lot of laxity in the supervision of SFG related construction works. Supervision was left to the Assistant Engineer in charge of

buildings who used his discretion to certify that work was complete whereas not. This resulted in substandard work exhibited in most of the schools that benefited from the fund. In several instances, certificates of completion were signed and issued by him even before construction work was complete.

- (ii) There was political influence in the award of tenders in the District. A case in point was that of the Secretary for works who was found to be directly involved in the running of the affairs of Wabinyonyi Civil Constructors – a company which was contracted to construct Kamunina Health Centre II in Wabinyonyi sub-county.
- (iii) Some members of the District Tender Board lacked the requisite qualifications to be on the Tender Board. In a number of cases, the District Tender Board did not follow the Local Government Tender Board guidelines and procedures when awarding the tenders. There were also no records of minutes and no evidence of technical evaluation reports made during the tendering process.
- (iv) There was no proper accountability made for PAF monitoring Funds received by the officer responsible for PAF Monitoring in the District who was the Assistant Chief Administrative officer.

It was recommended that:

- (i) The contractors who constructed classrooms and latrines that have been condemned should be made to immediately reconstruct them. Failure to do so, they should refund all the money advanced or paid to them or be prosecuted. Thereafter, these contractors should be blacklisted by the District Tender Board.
- (ii) The Assistant Engineer in charge of buildings and the Engineer attached to Education Department should be dismissed for certifying substandard work hence causing financial loss to the District.
- (iii) The District Council should immediately relieve two members of the District Tender Board of their duties under Section 94(i)(b) of the Local Government Act 1992 for lack of requisite qualifications and thereafter, the vacant positions should be filled following the procedures specified in Section 92(2) of the Local Government Act 1997.

- (iv) The Chief Administrative Officer should immediately interdict the Assistant Chief Administrative Officer in charge of PAF monitoring and have his case forwarded to the District Service Commission to handle with a view of dismissing him from the District Service for failure to account for PAF Monitoring Fund.

2.1.2.2 PAF INVESTIGATIONS IN SEMBABULE DISTRICT FOR THE FINANCIAL YEAR 2000/2001

A complaint was received alleging that:

- Classroom and latrine constructions under the School Facilities Grant (SFG) were poor and that others had already collapsed.
- Shs.18 million was advanced to one supplier for supply of desks to several schools but these were not supplied until after two years.
- Money sent to various schools as Universal Primary Education (UPE) money, was being diverted to personal use by District Education Officer (DEO).

Investigations revealed that:

- SFG construction works at the following schools were shoddy in several respects:
 - (i) St Herman Kasaana Primary School
 - (ii) Kasaalu primary School
 - (iii) Lubaale Primary School
 - (iv) Kyakacunda Primary School
 - (v) Makoole Primary School
 - (vi) Nambirizi Primary School
 - (vii) Kyatuula Primary School.
- The construction of latrines at St. Herman Kasaana and Kyakacunda Primary School under the SFG programme was poorly done such that the latrine at St. Herman Kasaana was not usable and the one at Kyakacunda was sinking.
- The former District Supervisor of Works had certified most of the shoddy works and issued certificates of works completion for the various stages of

constructions particularly at St. Herman Kasaana, and Nambirizi Primary schools without actually inspecting the relevant stages of work. The same officer was found to have been involved in the flouting of SFG guidelines in two earlier cases whereby he issued certificates of works completion for incomplete works and also terminated the contract for SFG constructions at Nsangala Primary School without following the laid down guidelines.

- The District Administration had paid a supplier contracted to supply 822 desks to various schools in the district the whole contract sum of Shs.41,100,000 before she had delivered all the 822 desks but the desks were later supplied.
- Primary schools in the District were irregularly remitting part of the UPE funds to the DEO allegedly for organizing district examinations, contrary to UPE guidelines.

It was recommended that:

- The District Council should ensure that district officials who receive the PAF monitoring funds actually monitor the PAF activities, and produce reports for guiding decision makers in the District.
- The District Engineer should ensure that constructors follow SFG guidelines, and materials used should conform to those specified in the guidelines.
- The Chief Administrative Officer Sembabule should always take immediate action against contractors who fail to conform to terms of the contract.
- The Ministry of Education and Sports should ensure that UPE guidelines are followed by the DEO's while organizing examinations at the District.
- The former supervisor of works should be immediately dismissed for certifying shoddy works and ignoring SFG guidelines.

2.1.2.3 ALLEGED FINANCIAL AND ADMINISTRATIVE MAL-PRACTICES IN KAMWENGE DISTRICT:

The office conducted Poverty Action Funds (PAF) inspection/investigations following a wide range of allegations raised by the public against public officials of Kamwenge District.

The complaint alleged that:

1. The Chief Administrative Officer (CAO), Kamwenge District, among other things:
 - (i) Owns a company called MAKAT Engineering, which has won several tenders in the District and that the CAO's young brother manages the company.
 - (ii) The CAO disguised through C & K International Furniture Producers Ltd to secure a tender to supply 300 desks at Shs.22 million under SFG, which he procured from Kabira Carpentry in Fort Portal.
 - (iii) The CAO withdrew Shs.5 million without passing through the District Tender Board to install electricity into the new District Administration Building.
2. The Chief Finance Officer (CFO) Kamwenge through his three companies:
 - (i) Sky Builders and Contractors Ltd tendered for the construction of Masyoro-Kanuka Road at Shs.33 million but shoddy work was done.
 - (ii) Stalite Construction Co. Ltd Constructed Kahunge-Bwizi Road at shs.60 million.
 - (iii) J.J Contractors took up the construction of Biguli Health Unit and
 - (iv) That the current CFO is not qualified to be CFO.
3. The Secretary for Works constructed Kinaga-Mukmono Bridge using the Supervisor of Works as his employee on force on account at Shs. 25 million without tendering.

4. The new District Administration Building was constructed at a cost of Shs.170 million without bills of quantities.
5. MNT Enterprises, a firm which belongs to the Deputy CAO won a tender to supply furniture fittings and equipment to the District.
6. The Chairman LC V is the sole supplier of Graduated Tax tickets to the District through a firm called UKETTA CO. The firm also supplies vehicle tyres, and spare parts to the District.
7. Construction of Rukunyu Health Unit, Theatre and Mortuary was awarded to Allied Construction Co. that paid Shs3 million to the Secretary for Works (as bribe).

Investigations established that:

- (i) The CAO Kamwenge,
 - Is a brother to the Managing Director of MAKAT Engineering the company that has won several contracts in the District. The CAO never declared this fact to the District Executive.
 - Received Shs.5 million without authority of the District Procurement Committee contrary to Section 92 (1) and 7 (b) of the Local Governments Act 1997 out of which he only paid Shs.1,119,462= to Uganda Electricity Distribution Company Limited (UEDCL) for power installation and did not account for the balance.
 - He embezzled Shs.3,880,538= contrary to Section 257 of Penal Code Act (PCA) and he accordingly;
 - Caused financial loss of Shs.3,880,538= contrary to Section 258 of PCA.

Based on the above findings, it was recommended that he be dismissed from the District Service with immediate effect.

- (ii) That apart from the fact that the CFO was not substantively appointed, there was no evidence to support the allegations against him that he is not qualified. It was therefore recommended that the District Service Commission fills the post of CFO.

(iii) It was established that the Deputy CAO:

- Is the son of the Managing Director of MNT Enterprises a fact he never declared to the District Procurement Committee,
- Had participated in the tender award process to MNT Enterprises and
- Sanctioned and directed all payments to be made in his Mother's names other than the company. By so doing he acted dishonestly and therefore flouted sections 4 (1b) of the Third Schedule of the Local Governments Act 1997, Section 77 (3) and 115 (4) of the Local Governments Accounting and Financial Regulations 1998 and 94 (1e) of the Local Governments Act 1997.

It was recommended that he be relieved of his responsibility of Secretary District Tender Board Immediately and formally warned by the District Service Commission never again to conduct public affairs in this manner.

(iv) Whereas it was found to be true that work on Kinage-Mukono Bridge was done using force on account method, no evidence was found to support the allegations against the Secretary for Works in (3) and (7) above. He was accordingly exonerated of those allegations.

(v) a) The Ag. District Engineer was however found:-

- To have recommended the variations and payments to the new District Administration building without Bills of Quantities,
- Approved plans and certificates of works respectively and he failed to produce the Architectural Designs for which M/s Standard Technical Services was paid Shs.14,475,000=,
- Acted negligently and incompetently in the supervision and processing of payments for the District Administration Projects; and
- Flouted the Local Government Financial and Accounting Regulations while processing the above payments.

It was therefore recommended that he be formally warned to always exercise due diligence while certifying any payments.

Vi) Lastly no evidence was found to support the allegations against the Chairman LCV in (6) above and he was therefore exonerated of the allegations.

2.1.2.4 KUMI DISTRICT PAF INSPECTION FOR THE FINANCIAL YEAR 2001/2002

The Office carried out PAF inspection in Kumi District for the Financial Year 2001/2002. The inspection was done to: establish the amount of PAF funds remitted to the district by the Ministry of Finance, Planning and Economic Development, confirm whether the funds were subsequently remitted intact to the user departments and lower units, find out whether the funds were properly accounted for and to ascertain value for money for activities carried out.

The specific sectors that were covered in the inspection were:

- Universal Primary Education (UPE).
- Primary Teachers' Salaries.
- PAF Monitoring Funds.
- Water, Environment and Sanitation (WES).
- Health Sector.
- Agriculture and Extension Officers' Salaries.

FINDINGS:

1. Education

For the Financial year 2001/2002, Kumi District received a total of Shs.745,250,177 for Universal Primary Education (UPE). The funds were received by the District and disbursed to Education Department and the schools in accordance with enrollment figures.

Most of the schools visited were complying with UPE guidelines on Public Mandatory displays.

Regarding enrollment; the inspection team carried out a head count in seven randomly chosen schools and found that enrollment figures were inflated by 1,693 pupils.

In addition Shs.7,625,000= for promotion of Girl Child Education was not accounted for by some of the head teachers of beneficiary schools.

2. Health

All the non-wage Health funds had been remitted to the beneficiaries and drugs distributed to the lower level Health Centres.

The funds were properly accounted for except Shs.747,500= for motor vehicle repair and buying toner cartridge in the District Health Department.

Furthermore the investigation established that the district had recruited 30 nursing aides in June 2001, but they had not been paid their salaries at the time of investigation.

3. Agriculture

The District received Shs.48,526,830= for non-wage programmes and Shs.35,385,640= for the wage component. The non-wage funds were used for several training/workshops, procurement of he-goats for sub-county groups, citrus budding and Pineapple suckers. The extension staff of the sub-counties were also found to be visiting their operation areas.

4. Water and Sanitation

The District received a total of Shs.672,494,000= from Ministry of Finance Planning and Economic Development for Rural Water programmes.

In addition, it received shs.12,000,000= for water programmes from the Uganda Participatory Poverty Alleviation programme (UPPAP).

The funds were used for various activities; including among others; Spring protection, hand dug shallow wells, provision of water tanks in some schools, deep borehole drilling, gravity flow scheme, construction of latrines in selected schools and villages and home improvement campaign.

5. PAF Monitoring Funds

Kumi district received Shs.168,748,600= in the period under review for PAF activities.

The funds were mainly utilized on District Statutory Bodies i.e. District Service Commission, Tender Board and Public Accounts Committee.

In addition, funds were utilized on Planning, Reporting and Accountability, Information, Communication and Monitoring visits.

Recommendations:

1. The Ministry of Education and Sports and CAO, Kumi should immediately organize for a head count and harmonize enrollment figures at the schools with UPE disbursements.
2. The CAO should take disciplinary action against the head teachers who did not account for Shs.7,625,000= for promotion of Girl Child Education.
3. The CAO should address the payment of salaries for Nursing Aides appointed in June 2001.
4. Shs.747,500 belonging to the Health department should be accounted for by the responsible officers, failure of which, it should be recovered from their salaries.

2.1.2.5 PAF INVESTIGATION/INSPECTION IN NTUNGAMO DISTRICT:

In November 2002, the office carried out an inspection of PAF projects in Ntungamo District and identified problems in the following areas:

- Construction of classrooms and latrines under the school facility grant (SFG) in Rweera Mixed Primary School, Kitembe Primary School, and Kyabwato primary School was shoddy.
- Nyakigufu – Kitwe Road, Kamwesiga Road and Nyakihanga – Nyongozi Road were not being routinely maintained by the District Administration.
- Kyangara gravity flow scheme was incomplete.

In July 2003, a follow up inspection in respect of the above matters was made with the following findings and observations:

- 1) Construction of the SFG classroom blocks in Rweera Mixed Primary School, Kitembe Primary School and Kyabwato Primary School was complete and workmanship thereof was okay.
- 2) Latrine Construction in Rweera Primary School, Kitembe Primary School and Kihabwato Primary School was complete. However, the Latrine at Rweera Primary School had no flytrap and the urinal floor was poor.
- 3) Construction of the Kyangara Gravity flow scheme was complete.
- 4) The above stated roads were being maintained. However, funds allocated from the Central Government to the District had been reduced and this affected routine maintenance of the roads.
- 5) (a) Although the UPE capitation grants guidelines were generally being followed by the District and Schools, School Budgets and expenditures were not being displayed publicly.

(b) Further, Head Teachers double as school Bursars and purchasing Officers and accessing information in regard to accountability of UPE Funds is difficult when the Head Teachers are not available.

It was, therefore, recommended that:

- The DEO should instruct the school Head Teachers to ensure that they pin up their budgets and accountabilities on the school notice boards as required by the UPE guidelines.
- The DEO should find out whether the Headmaster of Kyabwaato Primary School complied with our advice to pin up the UPE funds received and the school enrolment for this financial year.
- The DEO should instruct Headmasters to delegate some of the work to other staff like their deputies so as to increase efficiency.
- Kamwesiga road should be given priority during the next financial year 2003/2004 and proper supervision be carried out.

- The Supervisor of Works (SOW) should ensure that Nyakihanga–Nkomero–Katooma road construction meets the required standards, in particular, the recommended width should be observed and the swampy areas should be worked on urgently.
- The road gangs that are currently being contracted to do the road maintenance should be closely supervised by the Supervisor of Works (SOW) to ensure that the required standards are met.

2.1.2.6 PAF INVESTIGATIONS INTO THE ALLEGED MISMANAGEMENT OF THE SUPPLY OF WATER TANKS TO PRIMARY SCHOOLS AND ALLEGED EMBEZZLEMENT OF FUNDS FOR BURAMA HEALTH CENTRE IN RUKUNGIRI DISTRICT:

The office received information alleging mismanagement of supply of water tanks to primary schools by the Education department, and embezzlement of Funds for Burama Health Centre in Rukungiri District.

The allegations were that:

1. Rukungiri District and perhaps the whole country, primary schools have not received water tanks since the water and sanitation programme was transferred from the Directorate of Water Development (DWD) in the Ministry of Water, Lands and Environment to the Ministry of Education and Sports (MOES).
2. Burama Health Centre II in Bwambara sub-county has since 1999/2000 Financial year, been receiving shs.1,577,677/= per month on account No.3324 (UCB Rukungiri) and that these funds were being embezzled.

Investigations were carried out whereupon it was established as follows:-

(a) Water and Sanitation Programme

- 1) The water and sanitation programme in primary schools was transferred from the Ministry of Water, Lands and Environment to the Ministry of Education and Sports beginning financial year 2002/2003.

- 2) However, no formal communication was received by the Chief Administrative Officer (CAO) Rukungiri concerning the transfer of the Water and sanitation programme from the Directorate of Water Development to Education Department. The only communication received was during a regional Budget Framework workshop held in Masaka.
- 3) Due to the haphazard manner in which the Water and Sanitation for primary schools component of PAF was transferred from the Directorate of Water Development to the Ministry of Education and Sports, the relevant funds were not allocated for the programme and even the guidelines were not put in place.
- 4) Therefore, it was found true as alleged that there were no activities on the supply of water tanks to primary schools in Rukungiri district.

(b) Embezzlement of Funds for Burama Health Centre

- 1) In 1999, Rukungiri District released Shs.1,577,677 to Burama Health Centre II under the NGO conditional grant. However, the audited accounts of the health centre revealed that Shs.1,537,000 had been embezzled.
- 2) An investigation carried out by Local Government Public Accounts Committee (LGPAC) Rukungiri, revealed that the three signatories to the account had taken the money. The culprits were forced to pay back the money, which they did in instalments. One of these signatories was a District Councillor for Bwambara sub-county. By the time of this investigation, Shs.1,320,000= had already been recovered. The remaining balance was yet to be recovered from the said signatories. However, the recovered money had not yet been remitted back to Burama Health Centre since the LGPAC was waiting for all the money to be refunded.

Accordingly, therefore, it was recommended that:

1. The CAO Rukungiri should seek guidelines from Ministry of Finance on how the Water and Sanitation Programme in schools should be implemented under the Education Department.
2. The CAO should request for funds from the Ministry of Finance for the Water and Sanitation programme to enable supply of water tanks to Primary schools to continue in the district.

3. The LC5 Chairman should warn the area Councillor Bwambara sub-county to desist from diverting public funds and he should in future not be allowed to be in charge of Government Funds.
4. The Secretary PAC should ensure the signatories who embezzled the Health Centre money pay back the remaining balance of Shs.220,000 within one month after receipt of this report.
5. The CAO should ensure that the money recovered from the culprits is remitted back to Burama Health Centre account immediately.

2.2. MAL-ADMINISTRATION AND ADMINISTRATIVE INJUSTICE INQUIRIES

2.2.1 As an Ombudsman IGG handles complaints involving administrative injustice and abuse of public office. These complaints are categorised as follows:

- Abuse of office by public servants
- Employment disputes that comprise cases of Unfair/Unlawful termination of employment, victimisation/harassment by employers, non-payment or delayed payment of salary, salary arrears, leave allowances, pension and gratuity and terminal benefits.
- Inheritance disputes particularly those involving administration of estates by the Administrator General's office.
- Property disputes particularly those involving officers of the Land Office.
- Improper tendering procedures especially by District Local Governments.

In matters concerning mal-administration and Administrative injustice during the period under review, the most complained about Government institutions were Police and the Ministry of Public Service. The most common cases reported were; mismanagement of cases by Police and complaints relating to gratuity and pension against Ministry of Public Service.

The least complained against Government institution was the department of Ethics and Integrity, which had no single complaint.

Following are some of the Ombudsman complaints that were successfully investigated:-

2.2.2. Alleged Misplacement of Documents by the Ministry Of Education and Sports

The complainant alleged that his late father's pension documents had been misplaced and hence he could not access the pension. He appealed to the office to intervene and ensure that the documents are found. IGG intervened and the Ministry undertook to process his pension.

2.2.3 Unfair Cancellation of Certificates by Kyambogo University

Former students of Kyambogo University requested the IGG to intervene in a case of victimisation by the Kyambogo University administration when it cancelled Certificates of all the students from the National Teacher's Colleges (NTCs) which had been awarded to them by the University. The students affected were from nine colleges; Kabale, Masindi, Kakoba, Muni, Ngetta, Kaliro, Nkozi, Mubende and Nagongera.

Investigations revealed that the cancellation process had been done both illegally and unfairly and the University was advised to review the decision which they did. The affected students got back their Certificates.

2.2.4 Non- Payment of Wages of employees DIT Lugogo

Some employees of DIT Lugogo complained to IGG that they had not been paid wages for a long time despite repeated demands. IGG intervened and they were paid.

2.2.5 Delay in Completion of Investigations by Kampala District Service Commission

The complainant was an employee of Kampala City Council and was being investigated by KCC for abuse of office as a headmaster. He complained that investigations into his case had dragged on for too long and appealed to the office

to ensure that they are concluded expeditiously. IGG intervened and the case was finalised.

2.2.6 Failure to Release a Mortgage

The complainant alleged that the Secretary to treasury, Ministry of Finance had refused to release a mortgage on his land at Gombe.

IGG intervened and wrote to the Secretary Finance and the mortgage was released.

2.2.7 Failure to Pay Employment Benefits

The complainant was employed with Mityana Town Council and complained to the office that she had not been paid her employment benefits despite repeated demands.

IGG intervened and the complainant was paid.

2.2.8 Non- Payment of Salary Arrears

The complainant, was formerly employed with Mackay Primary School. He lodged a complaint in respect of non-payment of his salary arrears.

IGG intervened. A follow up of the case indicated that the complainant has been paid all his arrears.

2.2.9 Unfair Denial Of Admission for a Master's Program

The Ministry of Education and Sports complained on behalf of the complainant against the Institute of Psychology, Makerere University, for wrongful denial of admission to the master's program.

IGG investigated and established that the admission criteria that had been put in place was intended to deny the complainant admission. It was recommended that the complainant be admitted and the School of Post Graduate Studies complied and admitted him.

2.2.10 Alleged Malpractice in the recruitment exercise of the Electoral Commission

The complainants had sat for interviews with the Electoral Commission but had not got any feed back whereas some of their colleagues had got theirs. IGG intervened and they received their appointment letters.

2.2.11 Wrongful Dismissal of the Deputy CAO Apac

The deputy CAO Apac reported to the office that he had been wrongfully dismissed. Investigations revealed that he had not been offered an opportunity to be heard before the Council decided to dismiss him. IGG ordered that he be reinstated and be allowed to defend himself and the rightful procedure be followed if he is to be dismissed.

2.2.12 Diversion Of A Client's Money by a Law Firm

The complainant's husband was being represented by a Law firm in a case in which he was claiming for some monies. By the time payment of the monies was due the husband had passed away and the Law Firm used up the money. The matter was reported by the deceased's wife to the Law council but it had taken over two years without being cause listed. IGG intervened and the matter was cause listed and heard.

2.2.13 Unlawful Eviction

The complainant is employed with Ministry of Education and resides in Naguru flats. The ministry wanted to evict him on grounds that the flat belongs to an employee of Ministry of Information who has left the country for treatment but has since never returned. IGG intervened and the complainant was allowed to continue residing in the house.

2.2.14 Misappropriation of Funds by Katakwi District Officials

District officials in Katakwi had misappropriated funds amounting to Shs.5 million meant for repair of Katakwi Town Council lorry.

IGG intervened and administrative action was taken against the Town Clerk, the Supervisor of Works and the Municipal Engineer for misappropriating the funds.

2.2.15 Alleged Connivance by the DPP

The complainants alleged that the DPP connived with accused persons to have murder charges against them dropped.

The DPP's file was perused and it was discovered that one of the accused persons had confessed to committing the murder and for that reason the co-accused were released and no charges were preferred against them. The complainant was so advised.

2.2.16 Hiding of Case File by Kira and Jinja Road Police Station

The complainant accused Kira Road and Jinja Road Police Stations of hiding the case file of the accused person who defiled his daughter.

IGG contacted the DPP who intervened and retrieved the file from Nakawa, sanctioned it for prosecution and a warrant of arrest was issued to apprehend the accused.

2.2.17 Specific Recommendation to Government

Government should sensitise its employees on the advisory and guidance role of the Ombudsman office and the need for them to take the Ombudsman recommendations seriously. This will go a long way in ensuring that the efforts of the office as a watch dog for Government Institutions are not in vain.

2.3 ENFORCEMENT OF THE LEADERSHIP CODE OF CONDUCT

2.3.1 Introduction

The 1995 Uganda Constitution and the Leadership Code Act 2002 mandate the Inspector General of Government to enforce the Leadership Code of Conduct.

S.4 (1) of the Leadership Code Act requires that a leader submits to the Inspector General of Government a written declaration of the leader's income, assets and liabilities, of his/her spouse, child and dependants in the prescribed form.

2.3.2 Activities carried out

The following activities were carried out during the period:

1. *Designing and printing the Form for declaration of income, assets and liabilities.*

2. *Updating the leader's register*

The Leadership Code Act applies to officers specified in the second schedule of the Act.

The total number of specified leaders is between 1,600 and 1,700 leaders. Updating of the leader's register is a continuous activity as some of the leaders hold more than one specified positions, some retire or leave their positions, while others assume positions due to various reasons while others assume positions of leadership.

3. *Distribution of income, assets and liabilities Forms*

The declaration forms and copies of the Leadership Code Act 2002 personally addressed to known leaders and to their known addresses were distributed.

Forms were also put on the Inspectorate of Government website.

4. *Receipt and examination of submitted declarations*

Leader's Declarations were received, examined and queries made where there were discrepancies.

5. *Submission of Declarations*

About 88% submissions were received.

Table III

Table showing submissions by some leaders and institutions:

Category of Leader and Institution	Percentage response
President and Vice President	100%
Ministers	100%
Members of Parliament	100%
Presidential Advisors	97%
Permanent Secretaries	100%
Judges	100%
Judicial Service Commission	100%
IGG	100%
Auditor General	100%
Director of Public Prosecutions	100%

Category of Leader and Institution	Percentage response
UHRC	100%
URA	99%
Police	98%
Chief Magistrates	96%
ISO	95%
Ambassadors	95%

In the case of submissions from the leaders in the districts, the lowest responses was 74% while the highest was 100%

Table IV
Declaration Of Assets And Liabilities By The Districts As At 31st December 2003

	District	Number Of Leaders	Declared/ Responded	Defiant	% Age Response
1.	Mbale	197	197	0	100%
2.	Yumbe	78	76	2	97%
3.	Masaka	196	189	7	96%
4.	Mukono	184	177	7	96%
5.	Moyo	76	73	3	96%
6.	Kampala	161	154	7	96%
7.	Kyenjojo	130	124	6	95%
8.	Tororo	167	159	8	95%
9.	Pallisa	146	139	7	95%
10.	Nebbi	143	136	7	95%
11.	Bugiri	133	126	7	95%
12.	Adjumani	72	68	4	94%
13.	Mbarara	343	323	20	94%
14.	Mayuge	80	75	5	94%
15.	Hoima	111	104	7	94%
16.	Ntungamo	180	168	12	93%
17.	Kabarole	171	159	12	93%
18.	Nakasongola	97	90	7	93%

	District	Number Of Leaders	Declared/ Responded	Defiant	% Age Response
19.	Wakiso	138	128	10	93%
20.	Soroti	169	156	13	92%
21.	Kumi	161	148	13	92%
22.	Gulu	179	164	15	92%
23.	Kayunga	93	85	8	91%
24.	Kamuli	159	145	14	91%
25.	Bushenyi	235	213	22	91%
26.	Sironko	148	134	14	91%
27.	Kibaale	146	132	14	90%
28.	Kiboga	119	107	12	90%
29.	Kitgum	128	115	13	90%
30.	Sembabule	94	84	10	89%
31.	Kapchorwa	112	100	12	89%
32.	Bundibugyo	110	98	12	89%
33.	Kaberamaido	82	73	9	89%
34.	Arua	255	227	28	89%
35.	Jinja	136	120	16	88%
36.	Kamwenge	85	75	10	88%
37.	Pader	108	95	13	88%
38.	Busia	115	101	14	88%
39.	Iganga	155	136	19	88%
40.	Kalangala	96	83	13	86%
41.	Mpigi	141	120	21	85%
42.	Kabale	198	168	30	85%
43.	Katakwi	125	106	19	85%
44.	Luwero	160	135	25	84%
45.	Mubende	186	156	30	84%
46.	Kisoro	111	93	18	84%
47.	Kanungu	123	103	20	84%
48.	Lira	298	245	53	82%
49.	Kasese	147	119	28	81%

	District	Number Of Leaders	Declared/ Responded	Defiant	% Age Response
50.	Moroto	108	87	21	81%
51.	Rukungiri	132	106	26	80%
52.	Apac	182	146	36	80%
53.	Masindi	150	120	30	80%
54.	Nakapiripiriti	70	55	15	79%
55.	Kotido	151	114	37	75%
56.	Rakai	210	156	54	74%
	Total	8180	7285	895	89%

2.3.3. Identifying those who failed to declare

A list of leaders who failed to declare was compiled and notices were sent to leaders who failed to declare, to show cause why measures specified for breach of the Code should not be taken against them. The leaders who failed to declare were required to explain why they failed to declare and some were identified as having failed to declare without reasonable cause.

Reports for dismissal of the leaders in breach of the Code were sent to the authorized persons for action to be taken. These included among others, a Presidential Advisor, leaders from Uganda Revenue Authority, Uganda Electricity Transmission Company Ltd., and Bank of Uganda.

Appeals against the decisions to dismiss those who breached the Code were received. Some cases were reviewed on medical and other technical grounds. About five leaders who had been dismissed gave valid reasons as to why they had not made the declarations, consequently they were re-instated.

The exercise is continuing.

Verification

Analysis/Examination of Declarations started with Ministers. Verification of properties of some senior public officers resulting from complaints is on-going.

2.3.4 Challenges

- *Lack of computerized management information system for the Directorate of Leadership Code.*

Handling of Declarations and statistical data has continued to be manually done and inaccuracies in some instances are inevitable. It is a cumbersome system of work. It is hoped that computerized data management system will increase efficiency and accuracy when put in place.

- *Lack of Leadership Code Procedural Rules and Regulations*

In the absence of Rules and Regulations to guide the implementation of the Code, it makes implementation difficult.

- *Lack of computerized data in the Ministry of Lands, and the Company Registry.*

The verification exercise depends on getting records from Ministry of Lands, Urban land offices and company Registry. However, these are also not computerized so it becomes difficult to get records.

- *Lack of National Register of property owners*

This has also hampered verification of properties. It makes it very difficult to establish ownership of properties and their location.

- *Legal challenges*

The legal challenges in courts about enforcement of the Leadership Code creates uncertainty, and makes it difficult to implement the Leadership Code Act.

2.3.5 Investigation of cases of allegations of breach of the Code

Investigations during this period were on a small scale because most of the time was devoted to receiving, examining, recording and filing of leaders' submitted declarations; and dealing with cases of leaders who failed to declare their income, assets and liabilities.

2.3.6 Future Planned Activities

- *Staff training*

The planned computerized case management training tailor- made for the Directorate needs was not done due to lack of funds.

- *Leadership Code Rules and Regulations*

This activity was commenced. The Inspectorate of Government intends to get Technical Assistance for the making of the Leadership Code Rules and Regulations.

- *Computerization of the Leadership Code Information Management System.*

This activity was not accomplished in the period under review. Consultants have, however, been hired and work is in progress.

- *Public awareness about the Leadership Code*

Public awareness programs about the Leadership Code and declaration of income, assets and liabilities are done on a continuous basis in the print and electronic media.

2.4 PROSECUTIONS:

2.4.1 Introduction:

The powers of the Inspectorate to prosecute or cause prosecution of Cases involving corruption and Abuse of office are derived from the Constitution of the Republic of Uganda, 1995, which provides in Article 230 that:

“ The Inspectorate of Government shall have power to investigate, cause investigation, arrest, prosecute or cause prosecution in respect of cases involving corruption, abuse of authority or of public office”.

2.4.2 Achievements in the Prosecution of cases during the period:

The Inspectorate of Government prosecuted 37 Cases, five of which were new while 32 were carried forward from the previous period. Five cases were

concluded in the period under review. One resulted in conviction and four resulted in acquittal.

The following are Case Summaries of on going and completed prosecution cases:

2.4.3 UGANDA -VS – BALUKU SIMON (A1), MATTE ENOS (A2), KABAROLE ELIJA (A3)-G Ref: TS 57/2000; Court Ref: MSK 74/2000 Before the Chief Magistrate Kasese

A1 was a Senior Accounts assistant in Kasese District Administration, A2 was the Chief Finance Officer and A3 was the Acting Chief Administrative Officer Kasese District Administration. It is alleged that between February 4, 1999 and September 10, 1999, the accused persons fraudulently processed and cashed five cheques (one per month) worth Shs 23,036,640/= . A1 is charged with five counts of embezzlement, five counts of causing financial loss and five counts of abuse of office. A2 and A3 are charged with five counts of causing financial loss and five counts of abuse of office.

The case was concluded and judgement was delivered on 11/10/2002. All the accused persons were acquitted on all counts. The state filed an appeal (Criminal Appeal No. 24 of 2002) against the accused's acquittal on 25/10/2002. The Appeal has not yet commenced because the state has not been availed with the judgement and record of proceeding to enable it file the memorandum of Appeal.

**2.4.4 UGANDA -VS- OBEMA CHRIS
IG. Ref: TS 105/2001 - Court Ref: CR 0269/2001
Before Chief Magistrate - Nakawa.**

The accused was a plumber with National Water and Sewerage Corporation. It was alleged that he solicited for a bribe of Ug. Shs. 80,000/= as an inducement not to disconnect water supply.

He was charged with one count of Corruption and one count of Abuse of office. The case was concluded and judgment was delivered on 18th July 2002. He was convicted on both counts and sentenced to two years imprisonment. The accused filed a Notice of Appeal in the High Court at Nakawa on the 31st July 2002. The Memorandum of Appeal has not been filed since then.

2.4.5 UGANDA -VS- MBANGIRWOHA ROGERS
IG. REF. TS. 121/2001 - COURT REF. CRC/792/2001
(Before Chief Magistrate- Buganda Road Court)

The accused was a Police Officer attached to CID Headquarters. It was alleged that between the 23rd May 2001 and 25th May 2001 he solicited for and received a bribe of Ug. Shs. 2,000,000/= as an inducement not to prefer charges of illegal entry and evasion of taxes against the complainant.

He was charged with Corruption and Abuse of Office. The case was concluded and Judgement was delivered on 13/3/2003. The accused was convicted on all counts and sentenced to three years imprisonment on each count. The sentences are to run concurrently. The accused has lodged his appeal in the High Court, the appeal was heard and judgement shall be delivered on notice.

2.4.6 UGANDA -VS- JENINAH TUMUSHABE
IG. REF. TS. 277/96 - COURT REF. CR 334/99
(Before Chief Magistrate, Bushenyi Court)

The accused was employed as a District Agricultural Officer in Bushenyi District. It is alleged that between December 1995 and December 1997 she embezzled Ug. Shs. 7,925,950/= and made false accountability for the same. She was charged with Embezzlement and Causing Financial Loss.

Defence submissions were filed on 13/1/2003 and Judgement was delivered and the accused was acquitted on both counts.

2.4.7 UGANDA -VS- SEBUKYU DAVID
IG. REF. TS. 252/2000 - COURT REF. CR 1150/2000
(Before Chief Magistrate, Buganda Road Court)

The accused was a Supervisor/Lines man customer services at Uganda Electricity Board Lugogo Plant at Nakawa Industrial Area in Kampala District. It is alleged that between the 14th June 2000 and 28th June 2000 he solicited for and received a bribe of Ug. Shs. 100,000/= as an inducement to connect a power line to the complainant's house. He is charged with two counts of Corruption and one count of Abuse of office.

The accused was put to his defence. Hearing of the defence was concluded. The case was adjourned to the 12th September 2003 for final submissions. Defence to make final submissions on 27/01/04.

2.4.8 UGANDA -VS- ENOCK MWEBAZE
IG. REF. TS. 278/98 - COURT REF. CRC 382/99
(Before Grade 1 Magistrate Kalisizo)

The accused was the Headmaster of Kalyamenvu Primary School in Rakai District. In February 1997 and November 1998, it is alleged that he stole Ug. Shs. 4,000,000/= capitation grant meant for the school under the UPE Programme for which he gave false accountability. It is also alleged that he maintained two ghost teachers on the payroll. He is charged with one count of Abuse of office, two counts of causing Financial Loss, two counts of Theft and Fraudulent false accounting.

The accused was put to his defence. Hearing of the defence started but the accused jumped bail and is still on the run. Hearing of the defence shall commence after the accused is re- arrested.

2.4.9 UGANDA -VS- DC. IFUNZA JAMES
IG. REF. TS. 420/2000 - COURT REF. M 363/2000
(Before Chief Magistrate, Mukono Court)

The accused was a Police Officer attached to Koome Police Post in Mukono District. It is alleged that on the 25th October 2000 at Koome Police Post in Mukono District, he solicited for and received a bribe of Ug. Shs. 70,000/= as an inducement to suppress a case of theft.

The accused was put to his defence and the case is coming up on 29th August 2003 for further hearing of the defence case. Another date for hearing of defence case is yet to be communicated.

2.4.10 UGANDA -VS- KATANANSI E. K (A1) AND NABAASA R.S (A2)
IG. REF. BRR 4/6 - COURT REF. MBBR-00-CR- CO-0815/2000
(Before Chief Magistrate, Mbarara Court)

A1 was a Principal while A2 was a Bursar at Kibatsi Technical Institute in Ntungamo. It is alleged that both accused between July 1996 and July 1999 embezzled a total of Ug. Shs. 347,954/= by allowing two former employees of the school to stay on the payroll. They are jointly charged with one count of Embezzlement, two counts of Causing Financial Loss and two counts of Abuse of Office.

The accused were put on their defence. The transfer of the trial Magistrate, Her Worship Mudaasi to Masaka court, has affected hearing of the defence. She was the second Magistrate to try this case so the Magistrate at the station cannot handle it as per s.142 (1) of the Magistrates court's Act 1970. Arrangements are underway to have the Second Trail Magistrate to report back to Mbarara so that she completes the trial of the case.

2.4.11 UGANDA -VS- D/AIP ODOCH ENSIO
IG. REF. TS. 414/2000 - COURT REF. 1878/2000
(Before the Chief Magistrate, Buganda Road Court)

The accused was a Police Officer attached to CID Headquarters in Kampala. It is alleged that on October 23rd 2000, at Excel Insurance Company offices in Kampala District he solicited for and received a bribe of Ug. Shs. 1,000,000/= to suppress a criminal case. He is charged with two counts of Corruption.

The accused was put on his defence in respect of count two relating to receiving a bribe. He was however acquitted on count one relating to soliciting for lack of sufficient evidence. Principal Witness I (Pw1) the sole witness to this count was found to be unreliable because of his interest in the matter. Hearing of the defence was fixed for 20/03/04.

2.4.12 UGANDA -VS- ACIO JULIA
IG. REF. TS. 177/2001 - COURT REF. NME 247/2001
(Before the Chief Magistrate, Mubende Court)

The accused was a Chief Magistrate of Mubende court. It was alleged that between the 31st July 2001 and 1st August 2001 she solicited for and received a bribe of Ug. Shs. 1,000,000/= as an inducement to secure court bail for the complainant who had been charged with embezzlement and destroying evidence vide Ref. MME 239/2001. She was charged with Corruption and Abuse of Office. The accused was acquitted on 14/8/2003 on grounds that she had a "No case to answer." The state however filed a notice of appeal.

2.4.13 UGANDA -VS- D/IP OPIO JAMES
IG. REF. TS. SRT/CF/36/2001
COURT REF. SRT/CF/36/2001
(Before the Chief Magistrate's, Court Soroti)

The accused was a Police Officer attached to Soroti Police Station. It is alleged that on the 31st October 2001 he solicited for and received a bribe of Ug. Shs. 400,000/= as an inducement to suppress a Kidnap case in Soroti. He is charged with Corruption and in the alternative Abuse of Office.

The prosecution closed its case on 28th May 2003. The accused was acquitted after submissions of "a no case to answer". The state filed a notice of appeal.

2.4.14. UGANDA -VS- GODFREY TUMUSIIME
IG. REF. TS. MBRR/CF/11/99
COURT REF. MBR 00-C0-0814/2000
(Before the Chief Magistrate, Mbarara)

The accused was an Assistant Chief Administrative Officer for Kashari County in Mbarara District. It is alleged that between 21 November 1997, and 5th December 1997, he unlawfully withdrew Ug. Shs. 12m/= from Kashari Entandikwa Recovery Account, illegally transferred it to Kashari General Account and later withdrew it to disburse to Entandikwa beneficiaries which he did not do. He is charged with one count of Embezzlement, one count of Causing Financial Loss and one count of Abuse of Office.

Fifteen Prosecution witnesses have so far testified and the case comes up for further hearing on 2/3/2004.

2.4.15 UGANDA -VS- MUHUMUZA SWAIBU HARUNA
IG. REF. TS. 451/2000 - COUR REF. MSD 596/2000
(Before Chief Magistrate, Masindi Court)

The accused was an Assistant Chief Administrative Officer in charge of Kibanda County in Masindi District. It is alleged that on December 6th 2000, at Kigumba Trading Centre, Masindi District, he solicited for and received a bribe of Ug. Shs. 350,000/= as an inducement to suppress a case of alleged illicit charcoal trade. He is charged with one count of Corruption and one alternative count of Abuse of Office.

Twelve prosecution witnesses have so far testified. Prosecution has closed its case. Accused defended himself. The date for judgement is yet to be set.

2.4.16 UGANDA -VS- MUGUME EMMANUEL
IG. REF. TS. 360/99 - COURT REF. CRC 40/2001
(Before the Chief Magistrate Court, Luwero)

The accused was an Assistant Chief Administrative Officer of Luwero District. He was also acting as the District Veterans Programme Officer.

It is alleged that between 10th September 1998 and 31st September 1998, in Luwero District, he deliberately issued Ug.shs. 2,234,973 intended for settling a Veterans gratuity claims, to a false claimant and facilitated him to access the money from UCB Luwero Branch. He is charged with six counts of Causing Financial Loss and six counts of Abuse of Office.

Twelve prosecution witnesses have so far testified and the case is coming up for further hearing on 23/03/2004.

2.4.17 UGANDA -VS- TUMUSIIME GEORGE
IG. REF. TS. 113/2000 - COURT REF. CRC 253/2000
(Before the Chief Magistrate, Buganda Road Court)

The accused was a technician with National Water and Sewerage cooperation. It is alleged that on March 29, 2000 at National Water and Sewerage Corporation in Kampala, the accused solicited for and received Ug. Shs. 200,000/= bribe as an inducement to reconnect Water supply for premises of a NWSC Customer who had been disconnected allegedly for failure to pay outstanding dues. He is charged with one count of Corruption and one count of Abuse of Office.

Four prosecution witnesses have so far testified. The case is coming for further hearing on the 2/2/2004.

2.4.18 UGANDA -VS- BUISI SPIRE ASHE PAUL
IG. REF. TS. 376/2000 - COURT REF. CR 169/2000
(Before Chief Magistrate, Buganda Road Court)

The accused was an Immigration Officer attached to the Ministry of Internal Affairs Headquarters in Kampala. It is alleged that on 22nd September 2000, he solicited for and received a bribe of Ug. Shs. 300,000/= from an applicant who

wished to renew a certificate for a Non-Governmental Organisation. He is charged with one count of Corruption and one alternative count of Abuse of Office.

Prosecution closed its case on 15th Jan. 2004. Submissions of no case to answer to be made on 14/02/2004

**2.4.19 UGANDA -VS- ADAM MUHWEZI
IG. REF. TS. 411/2000 - COURT REF. CRC 1839/2000
(Before Chief Magistrate, Buganda Road Court)**

The accused was a Police Officer at Old Kampala Police Station. It is alleged that on 19th October 2000, he solicited for and received Ug. Shs. 100,000/= as an inducement to drop traffic offence charges. He is charged with Corruption and Abuse of Office.

Three prosecution witnesses have so far testified. The accused has since 23rd April 2003 absented himself from court. An arrest warrant was issued against him for the 23rd October 2003. The file was allocated to a new Chief Magistrate who has not yet reported to office. New arrest warrant to be issued as soon as he reports.

**2.4.20 GANDA -VS- MUWONGE ANDREW (A1), EFLANCE
KIWANUKA (A2), DAVID SSALONGO KANAKULYA (A3),
SEBUNYA HERBERT (A4), SUZAN WANUME (A5) AND
NANKUMBA AIDA (A6)
IG. REF. TS. 446/2000 - COURT REF. CRC 1695/2001
(Before the Chief Magistrate, Buganda Road Court)**

The accused were employees of Uganda Electoral Commission. A1 was the Secretary, A2 was the Ag. Secretary, A3 was the Head of Finance, A4 was an Internal Auditor, A5 was a Senior Assistant Electoral Officer and A6 was an Assistant Electoral Officer.

It is alleged that between 12th May 2000 and 31st May 2000, at Uganda Electoral Commission in Kampala District, the accused persons did approve a payment of Ug. Shs. 36,571,500/= to the Chief Administrative Officer, Iganga and Shs. 33,128,000/= to the Chief Administrative Officer, Mbale basing on false documents.

They were jointly charged with counts of Causing Financial Loss and two counts of Abuse of Office.

Three prosecution witnesses have so far testified and the case comes up for further hearing on 15th March 2004.

**2.4.21 UGANDA -VS- MUGOYA DAVID (A1), GWOKTO
ACHORA (A2), DAMBA HENRY (A3) AND BUYEGO YUSUF
JUMA (A4)
IG. REF. TS. 112/2001 - COURT REF. MME 206/2001
(Before Chief Magistrates, Court Kiboga)**

A1 was a Senior Accounts Assistant, A2 was a Chief Administrative Officer, A3 was Assistant Administrative Officer, A4 was Chief Finance Officer. It is alleged that between May and March 2001 Ug. Shs. 295,784, 616/= was stolen from Kiboga District Administration through fraudulent means by the above named accused persons. The *modus operandi* was among others, through fraudulent transfer of District funds to A1's personnel accounts in UCB Kiboga and Jinja Road Branches having been authorised by A2, A4 or A3. He then withdrew the funds for his own use. District funds were also illegally transferred to a Personal Account in Housing Finance Bank.

They were charged with Embezzlement and Causing Financial Loss. Two prosecution witnesses have so far testified and the case comes up for further hearing on 4/3/2004.

**2.4.22 UGANDA -VS- MANGENI MUSANA
IG. REF. TS. 111/2001 - COURT REF. 0849/2001
(Before the Chief Magistrate, Buganda Road Court)**

The accused was an Army Officer, a 2nd Lieutenant attached to the Chieftaincy of Military Intelligence, Kampala. It was alleged that on the 9th May 2001 he solicited for and received a bribe of Ug. shs. 500,000/= as an inducement to release from military custody the husband of the complainant.

He was charged with Corruption and Abuse of Office. One prosecution witness has so far testified and the case comes up for further hearing on 30th March.

2.4.23 UGANDA -VS- D/CPL BARAZA CHARLES
IG. REF. TS. 245/2001 - COURT REF. CRC. 183/2001
(Before the Chief Magistrate, Buganda Road Court)

The accused was a Police Officer attached to Ggaba Police Station. It is alleged that on the 7th November 2001 at SEAL guest house, Kabalagala, Makindye he solicited for and received a bribe of Ug. Shs. 1,000,000/= in order not to prefer charges of receiving or retaining stolen property against the complainant. He is charged with Corruption and Abuse of Office. One prosecution witness has testified so far and the case comes up for further hearing on 9/3/2004.

2.4.24 UGANDA -VS- BACEKURA MILTON
IG. REF. TS. 99/2002 - COURT REF. CRC 774/2002
(Before the Chief Magistrate, Buganda Road Court)

The accused was a Police Officer attached to Old Kampala Police Station. It was alleged that on the 23rd May 2002 at Walters Hotel, Martin Road, Kampala he solicited for and received a gratification of Ug. Shs. 100,000/= as an inducement to drop a case of threatening violence.

The case comes up for hearing on 23/10/2003. Prosecution witnesses were not willing to testify and they did not turn up in court on the said date. Case was adjourned to 9/3/2004.

2.4.25 UGANDA -VS- TABARUKA JAMES PATRICK
IG. REF. TS. 99/2002 - COURT REF. CRC 774/2002
(Before Chief Magistrate, Buganda Road Court)

The accused was the Estates Manager of Uganda Posts Ltd, Kampala. It is alleged that between May 2002 and July 2002 he corruptly solicited for and received a bribe of Ug. Shs. 2m/= as an inducement to release a Local Purchase Order for the fumigation of Uganda Posts Ltd Building.

He is charged with Corruption and Abuse of Office. The case comes up for hearing on the 16/2/04.

**2.4.26 UGANDA -VS- PETER UCANDA (A1), ODONGO OKINO
CONSTANTINE (A2), ODOCH WILLY (A3) AND MARTIN
GWOKTO (A4) IG. REF. TS. 36/1999 - COURT REF. CR. 792/99
(Before the Chief Magistrate, Buganda Road Court)**

A1 was a Permanent Secretary in the Prime Ministers' Office. A2 was the Financial Controller in the same office. A3 was a Businessman/Supplier of the Northern Uganda Reconstruction Programme/Agent of ODFA Holdings Ltd and A4 was an Assistant Chief Administrative Officer, Arua District.

A1 and A2 were signatories to the NURP account and in 1997 it is alleged that they authorised payments of Ug. Shs. 96,000,000/= to M/s ODFA Holdings Ltd for the supply of Linseed Oil to Arua, Nebbi and Moyo Districts. It is further alleged that in 1998 both accused persons authorised payments of Ug. Shs. 169,490,000/= to M/s DOLIMA. Associates for supply of furniture to schools in Arua District.

It is also alleged that A3 was paid Ug. Shs. 96,000,000/= and Ug. Shs. 169,490,000/= for having supplied the above said products yet he did not. In carrying out the above transactions, it is alleged that A3 forged delivery notes and other documents. It is further alleged that A4 wrote letters purporting to acknowledge receipts for non-existent products.

A1, A2 and A4 were charged with Abuse of Office and Causing Financial Loss, while A3 was charged with obtaining money by false pretences, Forgery of Documents and Uttering False Documents.

A1 was acquitted and the State Appealed (Crim. Appeal No. 24/2001). The appeal was dismissed by the High Court. A2, A3 and A4 were put on their defence. On 22/11/2002 the defence applied for the dismissal or retrial of the case because it was coming before a Third Magistrate. However, following the Supreme Court's decision, prosecution has applied to Court to have the matter fixed for hearing the defence case.

**2.4.27 UGANDA -VS- MUBBALA TOM
IG. REF. TS. 160/2002 - COURT REF. CR 12/2002
(Before Chief Magistrate, Buganda Road Court)**

The accused was a Cartographer Grade II attached to Mityana Land Office. It is alleged that between the 16th July 2002 and 12th August 2002 at Kasubi in Rubaga

Division he solicited for and received Ug. Shs. 350,000/= in order to process Land titles for the complainant. He is charged with Corruption and Abuse of Office.

Six prosecution witnesses have so far testified and the case is coming up for further hearing on 13/2/2004.

**2.4.28 UGANDA -VS- GULOBA CHOLI AND WAISANA
MBUBI MUSIRIM
IG. REF. TS. MBL/CF/48/01 - COURT REF.
TOR-0266/2002
(Before the Chief Magistrate, Tororo Court)**

A1 was an Assistant Town Clerk Western Division Tororo Municipality. A2 was the Municipal Engineer Tororo Municipal Council. It is alleged that between February 2001 and April 2001 the two accused persons stole Ug. Shs. 14,935,500, which was to be paid to Gimath Enterprises Ltd for the construction of Kyamwinula Health Centre located in Western Division, Tororo Municipal Council.

They were charged each with one count of causing Financial Loss and one count of Abuse of Office. Two prosecution witnesses have so far testified and the case comes up for further hearing on 13.2.2004. A2 is however on the run and a warrant of arrest is in force.

**2.4.29 UGANDA -VS- D/AIP KAUUKHA GEORGE
IG. REF. TS. 258/2002 - COURT REF. CRC 1914/2002
(Before the Chief Magistrate Buganda Road)**

The accused is a Police Officer attached to Kalerwe Police Post. It is alleged that between the 29th November 2002 and 2nd December 2002 at Kalerwe police post he solicited for and received a bribe of Ug. Shs. 200,000/= as an Inducement to release a suspect from Wandegeya Police Station.

He is charged with Corruption and Abuse of Office. The matter has failed to take off due to consistent absence of trial Magistrate. Hearing date has been fixed for 2/03/2004.

2.4.30 UGANDA -VS- AGGREY KIBUMBA NGOBI
IG. REF. TS. 227/2002 - COURT REF. CRC 190/2003
(Before Chief Magistrate, Buganda Road Court)

The accused was an Administrator in the Aids Control Programme, Ministry of Health. It is alleged that on 5th November 2002 at Mukwaya Quality Services Garage Wandegaya, he stole vehicle parts *to wit* the Cabin, Steering Cord, Side Window of a Government owned Vitara Reg. No. UG 305 M, the property of Aids Control Programme and put them on his Private Car Reg. No. UAE 730C. He is charged with Theft and Abuse of Office.

The Case has been adjourned several times, however, it has been fixed for hearing of the prosecution's case on 26/03/04

2.4.31 UGANDA -VS- BAGUMA JAMES & BALEETA JOHN
IG. REF. TS. 90/2000 - COURT REF. CRC –AA-12/2003
(Before the Chief Magistrate, Iganga Court)

A1 was the District Director of Health Services (DDHS) Iganga District and A2 was the Accounts Assistant attached to the DDH'S office Iganga. It is alleged that between 17th September and 2nd October 2000, the accused persons authorised the withdrawal of Ug. Shs. 12,000,000/= from Iganga District Administration, funds which were to be used for the District Health Services Project activities. They then misappropriated the said funds.

A1 is charged with three counts of Embezzlement, in the alternative three counts of causing Financial Loss and three counts of Abuse of Office.

A2 is charged with one count of Embezzlement, one count of causing Financial Loss in the alternative and one count of Abuse of Office.

Two prosecution witnesses have so far testified and the case comes up for further hearing on the 23/2/2004.

2.4.32 UGANDA-VS- BETTY NAMBOOZE BAKIREKE
IG.REF-TS.45/2003-COURT.REF-CRC.299/2003
(Before the Chief Magistrate Buganda Road)

The accused was a Law Enforcement Officer in Mukono Municipal Council. It was alleged that on 26th February 2003 at Mukono Town Council she solicited for a bribe of Ug.shs 100,000/= from a client as an inducement to give him permission

to construct a two bed roomed house on his plot at Kitete village in Mukono. It was further alleged that on 26th February 2003 she corruptly received Ug. Shs 60,000/= for the same cause. She was charged with one count to wit soliciting for a gratification of 100,000/=, receiving a bribe of 60,000/= and abuse of office. Hearing of the case begun on the 15th of May 2003. The state produced seven witnesses and closed its case on the 21st of July 2003. The accused was acquitted on count one relating to soliciting for gratification. Court however ruled that she has a case to answer in relation to count two of receiving a bribe and abuse of Office. On 11th August 2003 she gave her defence and final submissions for both the state and defence were submitted on 13th August 2003. On the 18th August 2003 judgement was delivered and the accused was convicted on one count of receiving a bribe and sentenced to two years imprisonment. She was acquitted of Abuse of Office and appealed against both conviction and sentence. The conviction was quashed and sentence set a side.

**2.4.33 UGANDA-VS-OKELLO GEORGE, ODONGO RICHARD
SIKULA ANDOKUKU DAVID
IG.REF MBL/CF/7/2002-COURT.REF TOR-00-00-0068/03
(Before the Chief Magistrate Tororo)**

A1 is the District Engineer, A2 is the Supervisor of works and A3 is the Treasurer Grade 1 Tororo. The three District officials hired out the district roller (Dyna pac) to Strabag Ltd, a private road Construction Company under the guise that it belonged to a private company called Rock Century Ltd. They received over U.Shs 14,320,800/= which they never remitted to the District but put to their own use.

Hearing started on 10th June 2003. Seven prosecution witnesses testified and prosecution closed its case on 1st August 2003. Defence closed its case in September 2003, and the matter is due for judgement on 30th January 2004. All accused persons were convicted on all counts.

**2.4.34 UGANDA-VS-CHEMONGES JOHN
IG.REF.MBL/CF/11/04/03-COURT.REF.MBA-00-00CR
189/2003 (Before the Chief Magistrate Mbale)**

The accused was a Senior Personnel Assistant in Kapchorwa District Administration. It is alleged that on the 28th April 2003 at Greenfields Resort in Kapchorwa he solicited for a bribe of Ug. shs 400,000/= from an electrical assistant attached to Kapchorwa hospital. A trap was laid and the accused was apprehended after receiving Ug.shs 100,000/=. He is charged with corruptly

receiving a bribe and abuse of office. Four prosecution witnesses have so far testified and the case comes up for further hearing on the 14th February 2004.

2.4.35. UGANDA-VS-TWINOMUGISHA THOMAS
IG.REF.TS.99/2003
COURT.REF.CRC.751/2003
(Before the chief Magistrate Buganda court)

The accused was the Registrar of Nakaseke Primary Teachers College. It is alleged that between the 15th May 2003 and 23rd May 2003, he solicited for a bribe of Ug.shs 160,000/= as an inducement to admit a student to the college for a two year teaching course leading to the award of grade III Teachers certificate of Kyambogo University.

The case is coming up for hearing on 24/2/2004.

2.4.36 UGANDA –VS.NO 31371 D/C WATISHA JAMES
IG.REF. TS.192/2003
COURT.REF.1189/2003
(Before Chief Magistrate Buganda Road Court)

The accused is a police officer attached to CID Headquarters Kampala. It is alleged that on 26th September 2003 he received a bribe of Ug. Shs.150,000/= from a suspect charged with forgery on Police Bond.

The matter is coming up for hearing on 10th and 11th March 2004.

2.4.37 UGANDA VIS-LOKUKO AMOS AND OWILLIS A. JOHN
IG. REF. Ts.203/2004
COURT REF. CR.1217/2003
Before Buganda Road Chief Magistrate)

The two accused persons being employed by the Public Service as a Bursar and a Principal of Moroto Primary Teacher's College respectively corruptly on 8/10/2003 at IGG's office Kampala offered a gratification to an employee of the Inspectorate of Government of Shs. One million as an inducement to stop, foil or influence the ongoing investigations into a complaint in which they are involved. The two officers are charged with corruption and abuse office. The matter is coming up for fixing a hearing date on 17/2/04.

2.4.38 UGANDA –VS.BALINDA CHARLES
IG.REF.TS.207/2003
COURT REF.CR.1236/2003
(Before Buganda Road Chief Magistrate)

The accused an employee of Impact Associates a company contracted by KCC to collect ground rent in Kawempe Division is charged with corruptly accepting a gratification of Shs.500,000/= from someone as an inducement to reduce the ground rent and property rates of a certain building. The matter is coming up on 3/2/2004.

2.4.39 UGANDA – VS- KATENDE EDWARDS & MUKIIBI FRED
IG.REF. TS.244/2003
COURT REF. LUWE-CR-258/2003
(Before chief Magistrate Luwero)

The accused person's secretary and records assistant respectively of Luwero District Land Board are charged with corruptly soliciting and receiving a gratification of Shs.210,000/= from Sentamu Abdul as an inducement for the endorsement of his lease landform.

The matter is fixed for hearing of prosecution's case on 12/2/2004.

2.4.3. CHALLENGES FACED IN PROSECUTION OF CASES.

2.4.3.1 INTERNAL FACTORS.

- **Inadequate facilitation**

Prosecution requires adequate facilitation in terms of transport, and funds for subsistence allowances for staff and witnesses. These, however, are still inadequate making it difficult to carry out prosecutions especially in upcountry courts.

- **Limited Legal reference materials.**

The Inspectorate Library has limited reference materials.

Although, the Library has been stocked with new materials such as High Court Bulletins, Kampala Law Reports, recent statutes, Statutory Instruments and

Regulations, more Legal reference materials e.g. more copies of the East African Law reports, more copies of East African Court of Appeal Reports (EACA) and more sets of the new volumes of the laws of Uganda 2000 are required.

2.4.3.2 EXTERNAL FACTORS

Court Delays And Hostile Witnesses

The IGG faces problems associated with court delays, hostile witnesses due to collusion between key witnesses and the accused persons since most of them are accomplices given the nature of cases handled by the office. Many cases in court also take long to be disposed of. This adversely affects the prosecution of cases as some witnesses are sometimes compromised along the way, others lose interest in cases, and others are intimidated and are overwhelmed with fear. Further, others die before they testify.

- The Inspectorate has also not achieved the necessary levels of co-operation from partner institutions.

▪ Poor Remuneration.

There is a high turnover of Lawyers at the Inspectorate due to inadequate remuneration. The poor terms and conditions of service have also led to low morale among Lawyers, which has affected their output. Furthermore due to poor remuneration, IGG is not able to attract and retain experienced lawyers.

2.4.4 Future Plans:

The quality of prosecutions is to be improved through on Job practical training of lawyers, attachment of lawyers to other prosecuting agencies, and increased supervision and co-ordination with the Directorate of Public Prosecutions.

CHAPTER THREE

3.0 PREVENTIVE MEASURES

In its anti-corruption crusade and promotion of good governance in public offices, IGG has continued to adopt a proactive strategy involving the use of education and other preventive measures which include public awareness programmes on the evils of corruption, study and research into Government Policies and Systems with a view to giving recommendations for remedial actions.

These methods were chosen because experience and study have shown that preventive measures are more effective in combating corruption, promoting the Rule of Law, administrative justice and good governance, although enforcement measures tend to attract more public attention. Hence in the period under review the IGG continued with most of its public awareness programmes and Policy and Systems Study as highlighted below

3.1 Public Awareness Programmes

Under the 1995 Constitution, the Inspectorate of Government is mandated to sensitize and educate the Public about the values of constitutionalism in general and the activities of the office in particular, through any media or any other means in considers appropriate. To achieve this objective the Inspectorate continued during the period to educate people about the evils of corruption through T.V. and radio programmes and publications of magazines and brochures.

3.1.1 Media And Public Relations

The IGG creates rapport with the public by designing messages that are packaged in a corporate communication form and channeled through the media to the recipients so that cases of corruption, abuse of office and administrative injustice are reported.

In the period July – December 2003 measures executed by office included mainly: dissemination of messages through electronic media, print media, in-house publications, joint activities with the civil society under the umbrella of Anti-Corruption Coalition Uganda, as explained below.

3.1.2 Publications

The Inspectorate of Government published and printed July and December issues of the quarterly *Inspector Magazine*. The 6,000 copies of the magazine were widely distributed to stakeholders and to the public through some selected bookshops around the country.

The office also continued to publish *IGG Weekly Briefs* that summarizes events and achievements at the Inspectorate of Government. The *IGG Weekly Briefs* with its kicker, “be informed and aware,” is the best way to inform and create vertical and horizontal corporate communication for the internal public.

The Inspectorate of Government also published and printed five new brochures covering matters related to Leadership Code Act 2002 and general information on the Inspectorate of Government Act, 2002

The office availed complimentary copies of the IGG publications to researchers, academicians and the general Public so that they could have a better understanding of corruption issues. This move is aimed at enhancing better understanding of key concepts in the struggle against corruption and in turn create a galvanized society that will resist those who have taken corruption as a profession.

3.1.3 Broadcast

The Inspectorate recognizes the fact that Uganda has a low tele-density and radio broadcast is the most efficient mass medium, which is cheap, flexible and easily accessible. The Inspectorate of Government therefore aired more than 250 public awareness programs and jingles through both Frequency Module (FM) and Amplitude Modulations (MW, AM, SW) radio stations within the period.

The choice of radio stations is based on the extent of transmission, regional coverage and language zones. IGG zeroed on Radio Uganda, Voice of Toro, Voice of Teso, Central Broadcasting Service, Radio of Teso, Radio Paidha, Radio West, Radio Four, Arua One and Capital Radio to air the programs. Plans are in advanced stage to sign contracts with radio stations in all towns where the 10 Regional Inspectorate of Government offices are located.

3.1.4 Electronic Communication

The office routinely updated the IGG website: www.igg.go.ug, with latest and topical information. In this way the Inspectorate of Government interfaced with *neticians* abroad cheaply yet with very high speed and precision.

3.1.5 Participation in extra activities

The IGG successfully published and printed the maiden issue of the *African Ombudsmen Association Newsletter* after a decision was made in Victoria, Seychelles that the Inspectorate of Government should be the one to produce the newsletter as an appreciation of on-going publications IGG has successfully made in the past. The newsletter was launched at the 8th Conference of the African Ombudsman Association executives in Ogua Doug, Burkina Faso in July 2003.

3.2. Future Plans

The office will continue to devise new techniques to educate, inform, and sensitize the public through the mass media about ways to avert corruption in Uganda. The IGG also intends to widen the scope of dissemination of anti corruption messages through targeting particular groups and involving them to participate in IGG's on-going activities and new ones to come. The following will be IGG strategy in the period to come.

- 3.2.1 To realize the intended participatory approach, IGG shall invite all stakeholders and the public to regularly participate in its radio programs, write articles in IGG publications and contribute valuable suggestions that may be incorporated in IGG Corporate Plan.
- 3.2.2 The IGG will also try to design messages targeted at Parliamentarians, Civil Servants, Business Community, Students and the Rural Folk. The idea is to beam enough information to the wider public but particularly to enable each group build capacity on their own to tackle issues of corruption, abuse of office, and administrative injustices, in order to supplement Government effort.

Challenges

The budgetary allocation for public awareness, public relations, advertisement and other related activities for the Inspectorate of Government is quite low. IGG is therefore forced to forego other important activities in creation of public awareness against corruption because of low funding. The IGG appeals to Government and the Donor Community to beef up the public awareness drive of the Inspectorate to match with the effort to minimize big chunk of Government funds being swindled yearly.

3.3 POLICY AND SYSTEMS STUDY

3.3.1 In its continuous effort to curb corruption and promote good governance the Inspectorate of Government continued to study Government Systems with a view to identifying areas and procedures that may be prone to corruption and make recommendations for remedial actions.

During the period under review the following systems were studied and reports made:

3.3.2 **A System Study Into The Management Of Primary Teachers' Payroll In Uganda. A Case Study Of Mpigi, Luwero And Wakiso Districts.**

The study was undertaken following persistent complaints regarding mismanagement of Primary Teachers' payroll in the country. In 2002, complaints regarding non-payment of salaries accounted for over 19.7% of all the cases that were received by the Inspectorate of Government. Most of these cases involved non-payment of primary teachers' salaries.

The mismanagement was manifested in the following ways: -

- Payment of ghost teachers;
- Delay in making pay change reports for transferred, newly appointed and retired teachers.
- Lack of appropriate academic qualifications, hence teachers earning salaries beyond their salary scale(s);
- Delay/failure to secure appointment letters, leading to delayed access to the payroll, and

- Fraudulent deletion from the payroll.

Findings:

1. The Payroll management system still accommodates cash payments of teachers' salaries in most districts. However, this has several weaknesses because fraudulent head teachers use this as a tool to embezzle their teachers' salaries and charge bank/transport charges to teachers. Furthermore, cash payments of salaries encourage the existence of "ghost " teachers on the schools' payrolls. Some Head teachers are reluctant to report ghost teachers on their schools' payrolls because when such teachers are paid by cash the headmasters may in fact be the direct beneficiaries of such salaries that have no genuine claimants. Some go to the extent of forging signatures of the non-existent teachers since the system has no mechanism of verifying all teachers' signatures.
2. Unlike UPE releases, it is not a requirement for Head teachers to display the teachers' payroll on the staff notice boards. This needs to be a requirement so as to reduce the occurrence of ghost teachers. Furthermore, Personnel and Education departments hardly carry out field inspection so as to ascertain the actual numbers of teachers in schools. According to District Inspectors of Schools, this is due to lack of facilitation. As a result Head teachers may provide wrong information for payroll updates. It was also observed that Head teachers do not submit their returns (lists of teachers in their schools) regularly to the district authorities thus contributing to the huge number of ghost teachers in the districts. A case study on Mpigi district uncovered nine ghost teachers from the schools of Mabuye Katende primary school, Nabyewanga Muslim primary school, Bwebukya Umea, Nakirembe Primary School, Mpenjja C/U Primary School and in Kanzira Primary School.
3. There is no timely recruitments so as to fill the ever-emerging vacancies within the schools. This is a loophole in that it gives chance to head teachers to accommodate "ghost teachers " on their payrolls as long as they are within their staff ceilings. The Personnel Officer can only get knowledge of these teachers' vacancies if there was regular recruitment.
4. The study also revealed the non-payment/ delay of salary arrears. Since teachers delay to access the payroll, they accumulate salary arrears in the process. It is regarded as another privilege for a teacher who took more than

a year before accessing the payroll to be paid his/her salary arrears. The Government occasionally releases funds to pay salary arrears but the releases don't much the rate at which these arrears accumulate. As a consequence, many teachers have stayed without being paid their arrears. Some teachers have filled forms several times and have given up their right to be paid.

5. In the Ministry of Public service, the Payroll Monitoring Unit is very understaffed. There were only ten members of staff including Data Entry Clerks who handle teachers' payroll both primary and secondary for the whole country. This creates a very big workload hence the delays in service delivery.
6. Disciplinary measures against Head teachers involved in payroll malpractices are rarely taken. A case study of Mpigi district revealed that most payrolls related complaints were never addressed. According to the CAO, the education department rarely forwards disciplinary cases to his office for action. It was established that even when cases are forwarded to the CAO, only minor disciplinary measures are taken such as cautioning and suspension.

Recommendations:

1. The process of decentralizing the payroll be expedited so as to curb the inefficiencies caused by bureaucratic delays between the district authorities and the Ministry of public service.
2. A teacher who has been issued with an Appointment letter and has reported to the workstation should take not more than two months to access the payroll. There is no reason why a teacher should not access the payroll within two months after reporting for duty. The payroll managers should comply with this requirement. This will also solve the problem of arrears.
3. District authorities should encourage paying of teachers' salaries through the banks, except in circumstances where it is absolutely unavoidable. These circumstances should be clearly identified and stated.
4. The Ministry of Education and Sports should consider making it a requirement for all Head teachers to display their schools' payrolls on the school notice board, as is the case with UPE funds.

5. The Inspectorate section in the Education department of the districts should be strengthened to carry out regular inspections.
6. Accounting Officers should always take appropriate disciplinary actions against the members of staff who perpetrate malpractices within the payrolls.
7. There is need for capacity building for the staff involved in payroll management at all levels so as to acquire relevant skills that are needed for proper and efficient management of the payroll.

3.3.3. System Study Into The Operations Of The Administrator General's Department.

The study was undertaken following persistent complaints against the Administrator General's office and the way it handles its clients. In general, these complaints centered on:

- Missing or misplaced files with or without deliberate intention.
- Problems of obtaining certificates of no objection before applying for Letters of Administration.
- Mismanagement of deceased persons' estates.
- Delay in processing of payments of death gratuity leading to frustration among clients.
- Several imposters in the Administrator General's office who con clients.

The Inspectorate of Government thus initiated a study to establish the causes of the above loopholes.

Findings:

1. Whereas the Administrator General's office is supposed to be impartial in the performance of its duties, corruption in this department exists at most levels of administration and it is a big problem. The practice involves the receptionists / messengers, security guards that demand bribes in form of

tokens of appreciation to guide and fill forms for illiterate clients that are ignorant of the procedures, and copy typists who charge between Shs 1000-5000 as typing fees. The professional staff (who include lawyers/State Attorneys and Accountants). The State Attorneys solicit bribes from clients in order to expedite the action on the clients' files before payments can be effected. The examination section was found to be involved in distorting information on the ledger cards whereby the cards are made to reflect lower balances than the actual as well as charging the estates higher than the mandatory 1% Administrator General's fees.

2. Although section 18 of the Administrator General's Act requires the Administrator General to make a complete list of all the estates he is administering (inventory), it was observed that this is not always adhered to. As a result, it is difficult to establish the real actual value of the estates administered by the Administrator General at any given point in time. It is also difficult to account for the monies transferred to the Consolidated Account after deducting the statutory 1% Administrator General's fees. Further more, much as it was revealed that some estates are dormant and therefore not charged the 1% AG fees, it was very difficult to establish whether such estates exist or not without proper records.
3. The department is greatly under funded in terms of imprest. The study revealed that the whole department gets a monthly release of shs 100,000/=
4. Late coming and absenteeism is a general problem in the entire department as the majority of staff are not in office until after 9.00 am.
5. In the past, there was a habit of lending out beneficiaries money to members of staff and the general public by the Administrator General. Although this habit seems to have stopped, recovery of the monies previously lent has not been fully done for example a former Administrator General lent shs. 25 million Uganda shillings to an individual without any formal agreement. The Department is in the process of filing legal proceedings against the debtor basing on a vehicle log book and land title without any other relevant evidence. Given the lack of strong and sufficient evidence, government is likely to lose the case thus creating further financial loss through compensation.

Recommendations:

1. There is need to put in place tougher disciplinary measures against those involved in the above mal-practices. All those who have taken bribery as a normal practice through typing fees, extortion and false accounting, should be suspended or recommended for dismissal by the relevant authorities. The Administrator General should act urgently on this matter.
2. The Administrator General should comply with section 18 of the AG's Act, which compels him to file an inventory of all estates he is administering to the High Court. This will help in accounting for the statutory 1% AG fees. Failure to comply with this requirement, the appointing authority should take disciplinary action against the officer.
3. The AG should put in place a mechanism of controlling late coming and absenteeism in the department. This may be achieved by introducing an attendance register for members of staff. In addition, latecomers and absentees should be subjected to disciplinary measures by management.
4. The AG should ensure recovery of all outstanding debts especially those by non members of staff.

It is further recommended that a more cost-effective method be employed in order to recover the outstanding debt of shs 24 million a former Administrator General lent to one private individual failure of which the former Administrator General should be held responsible and pay.

5. There is need for employing a senior officer preferably at the rank of a Principal Assistant Secretary (PAS) to handle financial matters while the Administrator General and other legal officers concentrate on legal matters.
6. There is need to recruit a well qualified public relations officer to sensitize the public on the functions of the office of Administrator General.

3.3.4 Systems study on the Issuance of Registration Certificates for Grade III and Grade V Teachers by the Ministry of Education and Sports and Kyambogo University (ITEK).

The Inspectorate of Government initiated a study on the issuing of teachers' certificates and registrations to grade III and grade V teachers following receipt of

numerous complaints regarding forgery especially in Eastern and Western Uganda. The complainants alleged that some individuals were securing entry to teacher training colleges using academic documents/certificates that belong to other persons. In particular the complaints received by the office alleged that:

- Some teachers were using “O” level and grade III academic qualifications of other teachers to gain entry into training colleges.
- Some people lacked minimum academic qualifications to be admitted for teacher training.

Findings

- Admission of students to Grade III teacher training was based on testimonials with provisional results, which creates a leeway for forgery, as this document is easy to forge.
- It was established that the blank certificates used are made out of ordinary “manilla” paper without any special security identification features e.g. serial numbers. Although the ministry has attempted to block this loophole by applying a seal, because of its poor quality, when applied the embossment of the seal does not clearly show on the certificate.
- The Registrar’s section at the Teacher Education department of Ministry of Education and Sports (MOES) is grossly understaffed as it is manned by one person. He has to register all grade III and V teachers as well as process certificates and verify pensioners of all grades (about 11,000 teachers annually) an exercise done manually.
- The study revealed that verification of documents at the Unified Teachers’ Service (UTS) registry was lax. For instance, there is no photo identification to link the documents with the person presenting them thereby permitting someone else to present documents to process and receive certificates on behalf of the teacher (grade V and graduate).
- Apart from there being no uniform criteria for conducting interviews, there are no clear guidelines on the utilization of the interview fee of shs 10,000 charged to candidates intending to join primary teachers’ colleges. Also it was observed that there were variances in the way the funds collected were utilized by different PTCs.

- Some students were found to have been admitted using genuine certificates of other persons for both “O” and “A” level, a malpractice not easy to detect, as the certificates do not bear the owner’s photograph.
- Several PTCs were found to have exceeded the enrolment ceiling in spite of a circular issued by Ministry of Education and Sports (MOES) No. EPD/235/287/02 dated 2/7/2002 to all principals instructing them to strictly adhere to the ceilings set by the ministry.
- It was also established that following the abolition of cost sharing in 2001, students in tertiary institutions, are no longer required to pay for their academic documents, which include transcripts and certificates. Currently, a transcript costs shs 5,000, a certificate shs 6,000 and a convocation fee shs 6,000 for grade V. However, the study revealed that due to Government delays in release of funds for this purpose, teachers cannot obtain their certificates in time as the printing and issuance of these certificates is dependent upon payments from MOES and at times from individual colleges.

Recommendations

- In order to stamp out forgery, reliance on testimonial documents should be discouraged and instead obtain copies of UNEB result books before interviews are held for ease of crosschecking the results of applicants.
- Ministry of Education and Sports (Teacher Education Department), Kyambogo University (ITEK) and UNEB which are responsible for processing and issuing of academic documents should ensure that students who need academic documents get them in good time. The academic documents issued by these Institutions must be well marked so that they are not easy to forge.
- Students found with suspicious or forged documents should be referred to police or other authorities for appropriate action instead of simply sending them away.
- The admission criteria for Grade III programmes needs harmonization. Uniform standards for purposes of interviews and areas of emphasis in the score sheets should be introduced and enforced.

- The design and quality of the certificate be improved, certificates be serially numbered and marked as well as introduction of security features.
- The registry responsible for registering teachers and issuing of certificates at the Ministry of Education and Sports should be re-organized through computerization of document handling and employment of a person qualified in record management to oversee the registration and issuing of certificates.
- Teachers should first obtain their academic documents (certificates and transcripts) from ITEK as evidence of their qualification before receiving the registration certificates.
- Ministry of Education and Sports (MOES) should provide guidelines to college heads on the expenditure of money collected from interviewees.
- Principals who have continued to violate established ceilings by admitting more students in spite of several warnings from the Ministry of Education should be severely punished.
- To avoid compromising the quality of teachers passing out of the colleges, Government should seriously address the problem of understaffing.
- The government sponsorship policy should be reviewed to allow students meet costs of academic documents such as academic transcripts and certificates issued by ITEK (now Kyambogo University) and convocation.

3.3.5 A System Study Into The Revenue Expenditure Of The Judiciary

The study was initiated by the Inspectorate of Government and covered: revenue received and expended by the Judiciary for the Financial Year 2000/2001 and releases from the consolidated fund and revenues collected by the Judiciary and applied as Appropriation – in – Aid. Systems and Procedures regarding accountability were reviewed to establish whether or not they complied with Treasury Accounting Regulations of Uganda and other legal requirements.

Findings:

- There is mismanagement of revenue in Judiciary. Most revenue collected is spent at source without banking. Worse still the accountability for the expenditure is not properly done. Despite the Auditor General's report bringing the irregular expenditures to the attention of the Secretary to the Judiciary the practice still exists. For example, at Buganda Road Court Shs.93,943,200 was irregularly spent at source in the Financial Year 2000/2001.
- The system of acquisition and allocation of imprest complies with the Treasury Accounting Regulations. However, it was observed that out of the Shs.4,000,000 advanced per week for headquarters imprest, 50% is either unaccounted for or spent on false claims for subsistence allowance.
- The mode of accountability submitted to Secretary to Judiciary by the Inspector of Courts is characterized by irregularities and disparities. For example the accountability of Shs.2,100,000 for fuel of a single vehicle in five days.
- Some judges and other senior staff who received funds did not comply with the procedure of accounting for the money. A total of Shs.149,933,000 advanced to judges was not accounted for in the Financial Year 2000/2001.
- The management of Judiciary resolved that staff who were not on payroll be given two nights allowance every month as salary. This amounted to violation of accounting procedure. It is improper to effect payment to an officer claiming that he has traveled up country where as not.
- In procurement of goods and services in Judiciary, it was revealed that the user departments are not involved in initiating the procurement process, if they are, it is not documented. In the current system, the Storekeeper identifies the office supplies requirement for replenishment purposes. In this system the Storekeeper may identify items which are not required. It was also revealed that there is non-issuance of LPOs before goods are supplied which is a risky system.

Recommendations:

- The Judiciary should comply with the Treasury Accounting instructions and related circular instructions regarding revenue collections. The Chief Magistrates at all Court Stations should be warned accordingly. The Secretary

to Treasury should warn the Judiciary Department against violating Treasury Accounting Instructions.

- On the management of imprest, it was recommended that the Secretary to the Judiciary should ensure that the system in place of filling accountability forms should be complied with at all times and time limit be set within which to submit accountabilities. The payments of false subsistence allowance should stop forthwith. This could be substituted with payment of medical allowance to all members of staff and to top up allowance to the lower categories of staff.
- The system of issuing LPOs before goods are delivered should be adhered to failure of which calls for disciplinary measures against the Principal Office Supervisor. The Judiciary should comply with the guidelines concerning eligible suppliers to Government and should stop issuing unregistered companies to supply goods and services.

Future Plans

- The IGG will undertake systems studies:
 - (i) In the land office in the Ministry of Water, Lands and Environment. The preliminary work has already been completed.
 - (ii) Into the operations of Technical Institutes under the Ministry of Education and Sports.
 - (iii) The Allocation and Distribution of drugs in Government Health Institutions.
 - (iv) Systems Study of the Registrar General's Office is already underway and will be completed.

CHAPTER FOUR

4.0 SELECTED CASE SUMMARIES:

4.1 Introduction and Recommendations

During the period under review, the IGG investigated and completed 948 complaints. Preliminary inquiries were also carried out for 208 complaints, which were then referred to other agencies leading to a total of 1,156 concluded complaints.

Among the complaints handled, Mismanagement and Misappropriation accounted for 22.7%, Non payment of salaries and other benefits 16.7%, Abuse of office 15.5%, Victimization 8.1%, Tenders and contracts 6.6%, Delay of service delivery 5.5%, Forgery 5.3%, Bribery and Extortion 4.1%, Embezzlement 4.0%, Property Dispute 3.3%, Conflict of interest 1.6%, False claims 1.5%, Tax Evasion 0.1% and complaints that did not fall in any of the above categories accounted for 5.0%.

- 4.1.1 Mismanagement and Misappropriation of public funds remains the category with the highest number of complaints. The complaints were received from different institutions including ministries, hospitals, education institutions and local councils. Findings from investigations of these complaints reveal that most of these malpractices are done through flouting of existing procedures and regulations.

It is, therefore, recommended that all institutions should strictly adhere to regulations and procedures in place. Monitoring and Inspection especially of schools by the relevant bodies in the Ministry of Education and District Administrations should be stepped up.

- 4.1.2 Complaints of non-payment of salaries and other benefits were second to Mismanagement. Most complaints in this category came from contractors /suppliers to Government institutions, civil servants and pensioners.

It is recommended that Government departments should ensure that their suppliers and employees are paid what is due to them in time.

- 4.1.3 Irregular award of tenders and contracts is also still highly complained about.

It was generally observed that irregular award of tenders and contracts are done through flouting procurement procedures and guidelines. Conflict of interest also featured high in irregular tender awards.

It is recommended that strict adherence to procurement guidelines and regulations should be observed and severe punishments meted out on those who flout them.

4.1.4 Embezzlement of public funds was reported and investigated particularly in the Districts of Mubende, Rukungiri, Kiboga, Katakwi, Gulu and other government institutions.

The IGG recommended that officials who embezzle public funds be dismissed and prosecuted.

4.1.5 Forgery and uttering of false documents also featured high and this mostly involved primary school teachers and employees of Local Administration.

It was recommended that forged certificates be cancelled and those found to be involved be dismissed and prosecuted.

Below are summaries of selected cases that were investigated and completed during the period July to December 2003:

4.2 MISMANAGEMENT AND MISAPPROPRIATION

4.2.1 Alleged Payment of Over Shs.300 Million To A Member of Parliament (MP) For Fish Fry/Fingerlings Stocked in Rukungiri Lakes.

The office received a complaint alleging that the exercise of stocking fish in the lakes of Rukungiri District was mismanaged by the Fisheries department, Entebbe. It was specifically alleged that:

- In February 2003, officials of Fisheries department Entebbe in the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) connived with an MP and supplied 'air' or few fish fry/fingerlings in Rukungiri District for which they were about to pay or had paid Ushs.300 million.
- The MP in question does not have capacity to produce and supply the quantity of Fish fingerlings he claims to have supplied. That instead he

picked fingerlings from the wild, which are not proper species and supplied them to MAAIF in connivance with the Project Coordinator of Fish restocking Project.

- The normal procedures to be followed while securing suppliers of Fish fry and restocking lakes with fish fry, and payments were never followed in the case of restocking Rukungiri Lakes.

Investigations revealed that:

- The normal procedures laid down by MAAIF to be followed when procuring the fish fry/fingerlings and restocking of the lakes and dams were not followed especially in the case of the restocking Rukungiri Lakes and in particular the supply made by this Member of Parliament.
- The MP supplied fingerlings to Rukungiri District on the verbal orders given to him by the Project Coordinator, Fish restocking Project MAAIF and the fingerlings were received and acknowledged by the Senior Fisheries Officer (SFO) of the same Ministry.
- According to the Technical Committee report that investigated the MP's capacity to produce the quantity of fish that was supplied to Rukungiri, the MP had the capacity to supply the Fish fingerlings.
- Fish restocking in Rukungiri Lakes was done in haste; the MAAIF officials did not even plan for receiving fish fry/fingerlings from the supplier which resulted into the supplier over stocking one lake with all the fingerlings supplied yet they were meant for two lakes.
- There was no responsible official to receive the fish fingerlings and count them but MAAIF officials signed and acknowledged supply. Therefore, based on this acknowledgment, it was assumed that 686,400 fingerlings were supplied.

It was, therefore, recommended that:

- The MAAIF should pay the supplier for the 686,400 fish fingerlings he said he supplied since the officials acknowledged the supply. The payment should be based on the appropriate rate/price.