

EAST AFRICAN ASSOCIATION OF ANTI-CORRUPTION
AUTHORITIES (EAAACA)



A COMPILATION OF THE AUTHORITIES' REPORTS
AND A COMMUNIQUE

PRESENTED AT

THE 4TH ANNUAL GENERAL MEETING HELD IN
NAIROBI, KENYA 25TH -26TH NOVEMBER 2010

Compiled October 2011 by EAAACA Secretariat



EAST AFRICAN ASSOCIATION OF ANTI - CORRUPTION AUTHORITIES

To Promote zero tolerance to Corruption in the East African Region



Held at Kenya Institute of Administration from 25th - 26th November, 2010

**EAST AFRICAN ASSOCIATION OF ANTI-CORRUPTION AUTHORITIES
MEMBERSHIP:**

The Association is governed by a Constitution. It is composed of the following National Anti-Corruption Authorities in the East African Community Partner States:

1. Special Brigade Anti-Corruption (SBAC), Burundi.
2. Kenya Anti-Corruption Commission (KACC), Kenya.
3. Office of Ombudsman, of Rwanda.
4. Prevention and Combating of Corruption Bureau (PCCB), United Republic of Tanzania.
5. Inspectorate of Government (IG), Uganda.

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EAAACA Secretariat

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To promote zero tolerance to Corruption in the East African Region.

PREFACE

The 4th Annual General Meeting was successfully held at Kenya Institute of Administration Nairobi, Kenya from the **25th - 26th November 2010**. It was hosted by the Kenya Anti-Corruption Commission (KACC), of Kenya. The theme of the meeting was **“Zero Tolerance to Corruption in the East African Region”**.

The meeting was opened by the Vice President of the Republic of Kenya, H.E Kalonzo Musyoka who represented H.E the President of the Republic of Kenya H.E Mwai Kibaki; and it was closed by Hon. Prof. Helen Jepkemoi Sambili, Minister of East African Community Affairs.

It was attended by EAAACA Heads and many other invited delegates like;

Lt. Col. Godfrey R. Kayukwa, Director General of the Anti-Corruption Commission of Zambia (SAFAC); Dr. Pauline Riak, the Chairperson, Southern Sudan Anti-Corruption Commission, Government of Southern Sudan; and Mr. Ahamed Abdur Rahman, Asst. Commissioner of Police, who represented the Executive Chair of Economic and Financial Crimes Commission of Nigeria attended as observers.

At the opening of the meeting, the EAAACA Logo was unveiled, and the EAAACA Regulations, Prevention and Investigation Manual was launched. The Regulations came into effect from 26/11/2010.

At the end of the meeting a Nairobi Communiqué containing the Resolutions was signed by heads of EAAACA Anti-Corruption

To promote zero tolerance to Corruption in the East African Region.

EAAACA 4th ANNUAL GENERAL MEETING LIST OF ATTENDANCE:

No.	Name	Title	Institution	Country
1	Prof. P.L.O. Lumumba	Director /Chief Executive	Kenya Anti-Corruption Commission	Kenya
2	Dr. John Mutonyi	Deputy Director	Kenya Anti-Corruption Commission	Kenya
3	Prof Jane Onsongo	Assistant Director- Preventive Services	Kenya Anti-Corruption Commission	Kenya
4	Pravin Bowry	Assistant Director, KACC	Kenya Anti-Corruption Commission	Kenya
5	Francis Gikonyo	PACL &AR	Kenya Anti-Corruption Commission	Kenya
6	Dr. A.K. Akidiva	POE-KACC	Kenya Anti-Corruption Commission	Kenya
7	Victoria Kattambo	Principle Officer Prevention	Kenya Anti-Corruption Commission	Kenya
8	Olga Sewe	PA, Legal Services	Kenya Anti-Corruption Commission	Kenya
9	Beatrice Kamau	SP &BO	Kenya Anti-Corruption Commission	Kenya
10	Abdi Mohammed	Principle officer	Kenya Anti-Corruption Commission	Kenya
11	Francis G. Kariuki	Attorney	Kenya Anti-Corruption Commission	Kenya
12	Charles k. Wambugu	Advisory Board Member	Kenya Anti-Corruption Commission	Kenya
13	Grace .K. Namachanja	Attorney	Kenya Anti-Corruption Commission	Kenya
14	Mue J.K	Principal Officer	Kenya Anti-Corruption Commission	Kenya
15	Kahiga Anthony	Forensic Investigator	Kenya Anti-Corruption Commission	Kenya
16	Irene Wamahio	P. R Department	Kenya Anti-Corruption Commission	Kenya
17	Ntere Michael	Data Admin	Kenya Anti-Corruption Commission	Kenya
18	James Sitenet	Attorney	Kenya Anti-Corruption Commission	Kenya
19	Vincent K. Kiptoo	Senior Officer, Investigations and Asset Recovery	Kenya Anti-Corruption Commission	Kenya

20	Joseph Waka		Kenya Anti-Corruption Commission	Kenya
21	Okongo Omogeni	Chairman	Kenya Anti-Corruption Commission	Kenya
22.	Jackson Mue	Senior Officer	Kenya Anti-Corruption Commission	Kenya
23.	Jesse Wachanga	Principal Officer	Kenya Anti-Corruption Commission	Kenya
24.	Vincent O. Okong'o	Principal Officer Research and planning	Kenya Anti-Corruption Commission	Kenya
25	Petronilla Kyengo	Administrative Officer	Kenya Anti-Corruption Commission	Kenya
26.	Kossy Bor	Attorney	Kenya Anti-Corruption Commission	Kenya
27	Daniel O. Ogol		Kenya Anti-Corruption Commission	Kenya
28	Ein Joi Bundi	HR	Kenya Anti-Corruption Commission	Kenya
29	Amani K.	HRM	Kenya Anti-Corruption Commission	Kenya
30	Vincent Muhlangi	P/AO	Kenya Anti-Corruption Commission	
31	Jeremy Bundi	PAO	Kenya Anti-Corruption Commission	Kenya
32	J. N. Abuodha	PA	Kenya Anti-Corruption Commission	Kenya
33	Francis Wanlara	Board Member	Kenya Anti-Corruption Commission	Kenya
34	Leila Maungi	P.O	Kenya Anti-Corruption Commission	Kenya
35	Billow Kerron	Board Member	Kenya Anti-Corruption Commission	Kenya
36	Steven Ouso	Security Director	Kenya Anti-Corruption Commission	Kenya
37	Eunice Njeri		Kenya Anti-Corruption Commission	Kenya
38	Gathnia Catherine		Kenya Anti-Corruption Commission	Kenya
39	Winnie Kiara		Kenya Anti-Corruption Commission	Kenya
40	Grace Ingene		Kenya Anti-Corruption Commission	Kenya
41	Dr. Tito Rutaremara	Chief Ombudsman	Office of Ombudsman	Rwanda
42	Mwiseneza Jeanne	Director of Declaration Unit	Office of Ombudsman	Rwanda
43	Rumaziminsi. N Seraphin	Director of fighting corruption	Office of Ombudsman	Rwanda

44	Baku Raphael Obudra	Vice President EAAACA/Ag. IGG	Inspectorate of Government	Uganda
45	Bisharira S. Susan	General Secretary	EAAACA	Uganda
46	Abon Muzamil	Director Regional Offices and Follow up	Inspectorate of Government	Uganda
47	Steven Kasirye	Head Information and International Inspection	Inspectorate of Government	Uganda
48	Simon Ogwal Kajura	PA / IGG	Inspectorate of Government	Uganda
49	Mugume Wilbert	Inspectorate Officer	EAAACA Secretariat	Uganda
50	Dr. Edward G. Hoseah	Director General	Prevention and Combating of Corruption Bureau	Tanzania
51	Lilian L. Mashaka	Deputy Director General	PCCB	Tanzania
52	Ekwabi W. T Mujungu	Ag. DAHRM	PCCB	Tanzania
53	Kilongoza Adam Issaya	PA	Prevention and Combating of Corruption Bureau	Tanzania
54	Imeda A. Osman	Principal Investigator	Prevention and Combating of Corruption Bureau	Tanzania
55	Marwa Z. Mwihechi	PCCB-Inspector	PCCB	Tanzania
56	Leonidas Habonimana	General Commissioner	Special Brigade Anti- Corruption	Burundi
57	Jean Claude Bizimana	Director Legal Affairs	Special Brigade Anti- Corruption	Burundi
58	H. E. Dr. Pauline Riak	Chairperson	Southern Sudan Anti- Corruption Commission	South Sudan
59	Godfrey R. Kayukwa	Director-General	Zambia Anti-Corruption Commission	Zambia
60	Edwin Sakala	Director	Zambia Anti-Corruption Commission	Zambia
61	Ahamed Abdur Rahman	Head of Operations	EFCC	Nigeria

SPEECH BY HIS EXCELLENCY HON. MWAI KIBAKI, C.O.H., M.P., PRESIDENT AND COMMANDER-IN-CHIEF OF THE DEFENCE FORCES OF THE REPUBLIC OF KENYA.

Ladies and Gentlemen,

I am greatly honored to join you this morning to inaugurate the national conference on

H.E HON. MWAI KIBAKI, THE PRESIDENT OF THE REPUBLIC OF KENYA'S OPENING REMARKS

I take this opportunity to welcome you and wish you good morning. This day is not only a day of national unity and representation of the Arts, Culture, and Sports from Uganda, Tanzania, Rwanda, Burundi, Kenya and the other countries from the African Region, it is also a day of our Development Partners and indeed

Kenyan Kenyas

Ladies and Gentlemen,

Kenya has made major strides in the fight against corruption. As you may be aware, we were the first country in the world to ratify and sign the United Nations Convention Against Corruption in Mombasa, Kenya on 20th October, 2003. Kenya was among 35 countries that signed the treaty for the ratification of the United Nations Convention Against Corruption in Geneva, Austria on 2nd September 2003.

We have also signed African Union Convention on Prevention and Combating Corruption in the region. We are actively involved in efforts directed towards promoting the ratification of corruption.

Ladies and Gentlemen,

Corruption is one of the greatest challenges affecting the realization of our national and regional development goals and aspirations. Therefore, adoption of a national strategy in preventing and combating corruption is a commendable effort and a good step towards addressing this challenge.

SPEECH BY HIS EXCELLENCY HON. MWAI KIBAKI, C.G.H., M.P., PRESIDENT AND COMMANDER-IN-CHIEF OF THE DEFENCE FORCES OF THE REPUBLIC OF KENYA.

Ladies and Gentlemen,

I am greatly honored to join you this morning to preside over the opening ceremony of the 4th Annual General Meeting of the East African Association of Anti-Corruption Authorities, held for the first time in Kenya.

I take this opportunity to welcome all our visitors to Kenya and wish them well during their stay in our country. I recognize the Heads and representatives of the Anti-Corruption Authorities from Uganda, Tanzania, Rwanda Burundi an Kenya and their counterparts from the African Regional blocks, Our Development Partners and Invited Guests.

Karibuni Kenya

Ladies and Gentlemen,

Kenya has made major strides in the fight against corruption. As you may be aware, we were the first country in the world to ratify and sign the United Nations Convention Against Corruption in Merida, Mexico on 30th October, 2003. Recently, Kenya was among 35 countries that signed the treaty for the inauguration of International Anti-Corruption Academy in Laxenburg, Austria on 2nd September, 2010.

We have also signed African Union Convention on Preventing and Combating Corruption. In the region, we are actively involved in efforts geared towards promoting zero tolerance to corruption.

Ladies and Gentlemen,

Corruption is one of the greatest challenges affecting the realization of our national and regional development goals and aspirations. Therefore, adoption of a regional approach in preventing and combating corruption is a commendable effort and a great step towards addressing this challenge.

I commend the efforts by the East African Association of Anti-Corruption Authorities for this important initiative, whose objective is to share experiences and best practices in preventing and combating corruption and economic crime in the region.

Ladies and Gentlemen,

The nature of white collar crimes, such as corruption, requires to the effective use of the platform provided by this Association, among others other regional initiatives, to strengthen our collaboration and partnerships in the war against corruption. Those charged with the responsibility to prevent and combat such crimes must adopt appropriate strategies to deal effectively with the perpetrators and proceeds of corruption.

In this regard, I wish to reiterate my government's commitment and resolve to fight corruption and improve the livelihoods of our people. I have no doubt of the commitment of the other governments in the region towards this end.

Regionally, we have taken necessary steps to promote economic, social and political development through the adoption of the Common Market Protocol and Customs Union. It is important that combating and preventing corruption becomes an integral part of these initiatives since this is a prerequisite to successful regional integration and development.

Ladies and Gentlemen,

As you are aware, Kenyans overwhelmingly endorsed a new Constitution on the 4th August 2010 through a referendum. The Constitution, which was promulgated into law on 27th August, 2010, provides for the establishment of an Independent Ethics and Anti-Corruption, which will spearhead the war against corruption in Kenya.

The constitutional anchoring of the Commission will ensure that the fight against corruption and promotion of sound ethical values in our society is robust. The process of drafting a new legislation to establish the new Commission is ongoing. The new Commission will be the successor to the current Kenya Anti-Corruption Commission.

The Constitution provides for the International Treaties and Conventions ratified and signed by Kenya to form part of our laws. Therefore, my government will ensure full domestication of the United Nations Conventions against Corruption and the African Union Convention on Preventing and Combating Corruption in Kenya. This will go along way in strengthening the policy and legal framework for the fight against corruption.

I urge the other countries in the region to domesticate these international instruments. The Association of Anti-Corruption Authorities should provide a good framework for sharing these ideas and efforts.

Ladies and Gentlemen,

In conclusion I once again reiterate my government's support to the East African Association of Anti-Corruption Authorities through the Kenya Anti-Corruption Commission.

It is now my pleasure to declare the 4th Annual General Meeting of the East African Association of Anti-Corruption Authorities officially open.

Thank you and God bless you.

WELCOMING REMARKS BY DR. TITO RUTAREMARA,
PRESIDENT OF THE EAST AFRICAN ASSOCIATION OF ANTI-
CORRUPTION AUTHORITIES (EAAACA) AT THE OPENING OF
THE FOURTH ANNUAL GENERAL MEETING, 25TH NOVEMBER,
2010, NAIROBI, KENYA.

Your Excellency Mwai Kibaki, the President and Commander
in Chief of the Republic of Kenya

**DR. TITO RUTAREMARA, EAAACA
PRESIDENT'S OPENING REMARKS**

You, Hon. Prof. P.O. Lomumba, the Director/CEO, Kenya Anti-
Corruption Commission, Kenya

Your Excellencies the Ambassadors and High Commissioners
here present,

Prof. P.O. Lomumba, the Director/CEO, Kenya Anti-
Corruption Commission, Kenya,

Heads of East African Association of Anti-Corruption
Authorities,

General Secretary, EAAACA,

Representatives of SADC,

Distinguished Delegates,

Ladies and Gentlemen,

Your Excellency,

We are greatly honoured and humbled by your presence and for
extending our invitation to come and grace the opening of the
EAAACA 9th Annual General Meeting. It is a great honour
and responsibility and right schedule your presence at this meeting
clearly portrays your support and commitment to the fight against
corruption in the East African region. We thank you very much.

**WELCOMING REMARKS BY DR. TITO RUTAREMARA,
PRESIDENT OF THE EAST AFRICAN ASSOCIATION OF ANTI-
CORRUPTION AUTHORITIES (EAAACA) AT THE OPENING OF
THE FOURTH ANNUAL GENERAL MEETING, 25TH NOVEMBER,
2010, NAIROBI, KENYA.**

**Your Excellency Mwai Kibaki, the President and Commander
in Chief of the Armed Forces of the Republic of Kenya,**

**Hon. Minister for Justice, National Cohesion and
Constitutional Affairs,**

**Your Excellencies the Ambassadors and High Commissioners
here present,**

**Prof. PLO Lumumba, the Director/CEO, Kenya Anti-
Corruption Commission, Kenya,**

**Heads of East African Association of Anti-Corruption
Authorities,**

General Secretary, EAAACA,

Representatives of SAFAC,

Distinguished Delegates,

Ladies and Gentlemen.

Your Excellency,

We are greatly honoured and humbled by your presence and for accepting our invitation to come and grace the opening of the EAAACA 4th Annual General Meeting despite your numerous responsibilities and tight schedule. Your presence at this meeting clearly portrays your support and commitment to the fight against corruption in the East African region. We thank you very much.

Your Excellency,

This is the 4th Annual General Meeting. The Theme of this meeting is **"Zero Tolerance to Corruption in the East African Region"**.

The preceding first, second and third Annual General Meetings took place in United Republic of Tanzania, Republic of Rwanda and the Republic of Burundi respectively. At these meetings we share best practices, and experiences in the prevention and combating corruption.

Allow me express my sincere gratitude to the Director/CEO of the Kenya Anti-Corruption Commission and his able team for organising this meeting and for the kindness and hospitality extended to the members and invited delegates.

I would also like to thank the heads of the member Anti-Corruption Authorities for the commitment, financial and technical assistance they have rendered towards the growth and success of the Association.

Your Excellency,

A Brief background of the East African Association of Anti-Corruption Authorities (EAAACA)

The Association was formed on 28th September 2007 in Kampala, Uganda. EAAACA Constitution was signed and launched here in Nairobi, Kenya on 9th November 2007.

The Association is composed of the national Anti-Corruption Authorities of the East Africa Community partner states that are responsible for preventing and combating corruption and they are:

1. Kenya Anti-Corruption Commission (KACC), of the Republic of Kenya,
2. Prevention and Combating of Corruption Bureau (PCCB), of the United Republic of Tanzania,

3. Inspectorate of Government (IG) of the Republic of Uganda,
4. Office of the Ombudsman (OO), of Rwanda,
5. Special Brigade Anti-Corruption (SBAC), of the Republic of Burundi.

The overall objective of the Association is basically to promote and facilitate regional Cooperation, mutual legal and technical assistance in the prevention and combating of corruption in the East African Community region, share information, hold joint trainings and carry out joint research.

Since the formation of the Association, we have been able to hold joint training, produced a three in one Manual on corruption prevention, investigation and Regulations; and we have developed our EAAACA Logo among others.

Your Excellency,

The Anti-Corruption Institutions we represent are still young, we meet a lot of constraints in the performance of our duties and mandate. There is need for a lot of resources and also a need to be encouraged to perform better for the benefit of our people and Governments. We request you to encourage the leadership in our region to enhance their support towards these institutions and take steps towards increasing their capacity to perform their duties.

Your Excellency,

The fight against corruption is not an easy one, the corrupt are getting more sophisticated and corruption is now transnational. Therefore there is need for commitment, courage, sacrifice, support, and cooperation amongst Governments, institutions and above all political will.

We as members of the Association are grateful for the support your Excellency and Kenya Government has given to Kenya Anti-

Corruption Commission and the fight against corruption in this country.

Through you, Your Excellency, we call upon the Executive, parliament and judiciary of our respective countries to continue to support the anti-corruption bodies and spearhead the fight against corruption in our region.

Your Excellency, at the Regional level, the East African Community has drafted an EAC Protocol on Prevention and Combating Corruption. Once it is signed, it will enhance and strengthen the co-operation between the partner states, the Anti-Corruption agencies in the region in the prevention and fight against corruption in our region. On behalf of my colleagues, we request for your support to the Protocol.

Your Excellency,

One of our future plans is to hold an African Anti-Corruption Conference in Bujumbura with the objective of forming an African Anti-Corruption Association in order to have a common platform to prevent and combat corruption in the spirit of the African Union Convention on Preventing and Combating Corruption and the United Nations Convention against Corruption.

Your Excellency,

With these few remarks, allow me to invite the Minister for Justice, National Cohesion and Constitutional Affairs to make his remarks and invite you to speak to us and officially open the Fourth Annual General Meeting of the East African Association of Anti-Corruption Authorities.

Thank You



**REPORT OF KENYA ANTI-CORRUPTION
COMMISSION**



KENYA ANTI-CORRUPTION COMMISSION

**COUNTRY REPORT ON THE FIGHT AGAINST
CORRUPTION**

**PRESENTED TO THE ANNUAL GENERAL MEETING OF
THE ASSOCIATION OF EAST AFRICAN ANTI-CORRUPTION
AUTHORITIES (EAAACA), NOVEMBER 2010.**

**BY
PROF. P. L. O. LUMUMBA
DIRECTOR/CHIEF EXECUTIVE
KENYA ANTI-CORRUPTION COMMISSION**

LEGAL AND INSTITUTIONAL ANTI-CORRUPTION FRAMEWORK IN KENYA

Kenya has enacted various laws to bolster the fight against corruption, among them Anti-Corruption and Economic Crimes Act, 2003, which establishes the Kenya Anti-Corruption Commission, Public Audit Act 2003, Government Financial Management Act 2004, Public Procurement and Disposal Act 2005, Privatization Act 2005, Witness Protection Act 2006 and the Political Parties Act 2007, Proceeds of Crime and Anti-Money Laundering Act, 2010.

Besides enacting anti-corruption legislation, the country has established a number of institutions, watchdog agencies and platforms to fight corruption, which include *inter-alia*:-

- *Kenya Anti-Corruption Commission* – KACC is established under section 7 of the Anti-Corruption and Economic Crimes Act, 2003.
- *Special Magistrates* – Section 3 of the Anti-Corruption and Economic Crimes Act, 2003 gives the Chief Justice power to appoint Special Magistrates to hear cases of corruption and economic crimes. Presently, there are Special Magistrates in the following areas: Nairobi, Kisumu, Embu, Bungoma, Kakamega, Kericho, Mombasa, Malindi, Nyeri and Nakuru.
- *Office of the Attorney General/Department of Public Prosecutions*- the Public Prosecutions Department within the Attorney General's office is responsible for prosecuting corruption cases. The Department is headed by the Chief Public Prosecutor.
- *The Efficiency Monitoring Unit* under the Office of the President has the specific mandate to ensure that public finances and revenues are utilized efficiently for the public benefit.
- *Parliamentary Oversight Committees* – These include the Parliamentary Finance Committee, Public Accounts Committee, and Public Investments Committee. Through these Committees, Parliament plays a watchdog role by monitoring government expenditure and asserts its constitutional duty in authorizing, checking and auditing all public expenditure.
- *The National Anti-Corruption Steering Committee* – It spearheads the public awareness campaign against corruption. It draws its members from among the various stakeholders including the Government, religious organizations, civil society, media, universities, women's organizations and the private sector.
- *The Public Procurement Oversight Authority*- It is established under the Public Procurement and Disposal Act, 2005. It is charged with the

- h) To investigate the extent of liability for the loss of or damage to any public property and:-
 - i) To institute civil proceedings against any person for the recovery of such property or for compensation; and
 - ii) To recover such property or enforce an order for compensation even if the property is outside Kenya or the assets that could be used to satisfy the order are outside Kenya; and
- i) To carry out any other functions conferred on the Commission by or under the Act or any other law.

Structure of KACC

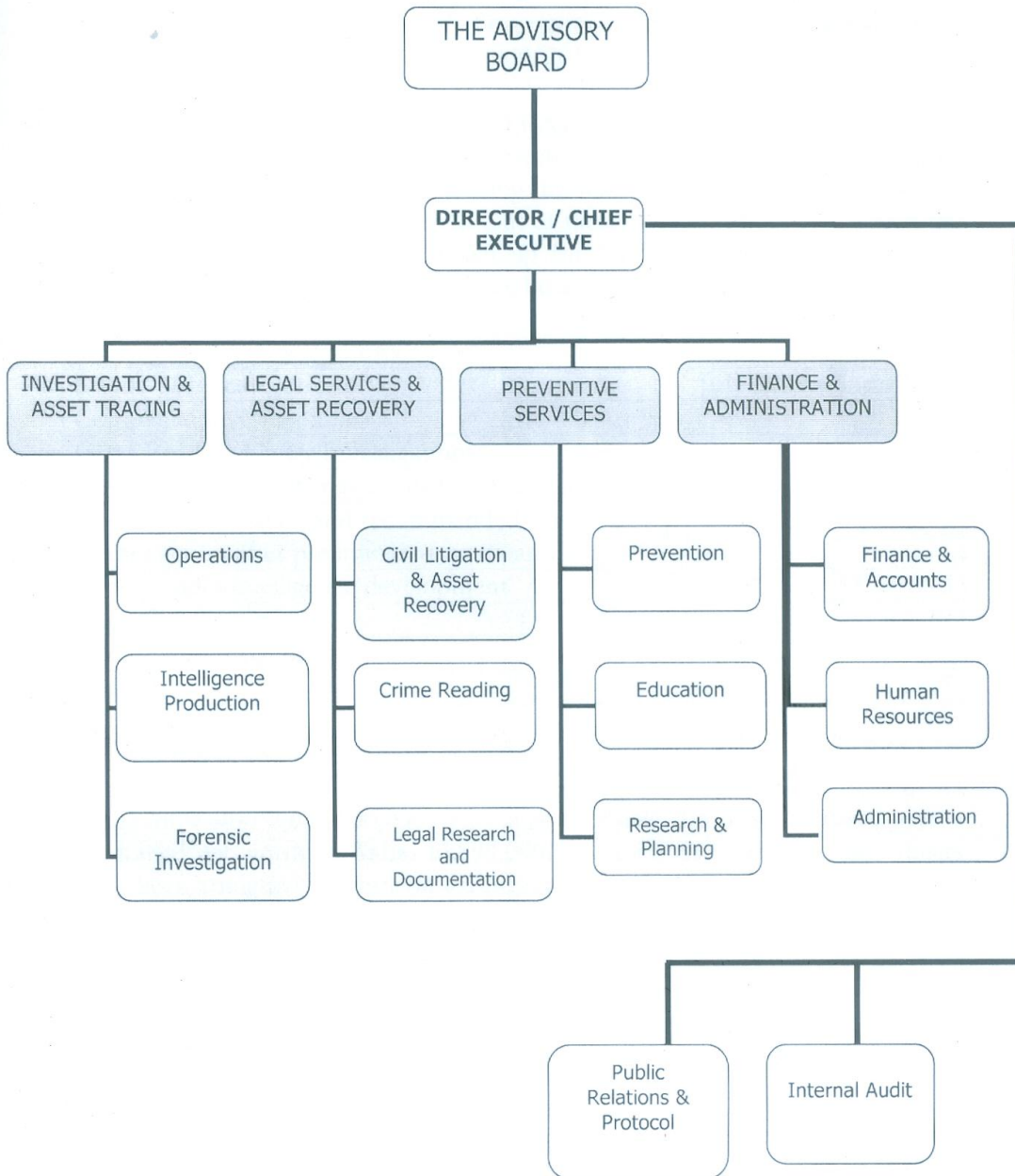
KACC is headed by a Director assisted by four Assistant Directors. The Director and Assistant Director are appointed by the President with the approval of Parliament. It is divided into four Directorates each of which is headed by an Assistant Director. The directorates are;

- Investigations and Asset Tracing,
- Preventive Services,
- Legal Services and Asset Recovery
- Finance and Administration.

The directorates are further divided into Departments and divisions carrying out specific mandates and tasks. There are two regional offices of the Commission at Mombasa and Kisumu cities which enhance the reach of the Commission to the people, and facilitation of investigations and anti-corruption initiatives in the said regions.

Kenya Anti-Corruption Commission Advisory Board is also established under the ACECA. It consists of twelve (12) members drawn from civic, religious, professional and business organizations and associations, and the Director of the Commission who is its Secretary. The Board's principal function is to advise the Commission generally on the exercise of its powers and the performance of its functions. The Board interviews and recommends for appointment, the director and assistant directors, to the National Assembly; as well as the termination of the appointment of a person as Director or Assistant Director, to the President.

The organizational structure of KACC is shown below



Achievements of KACC during FY 2009/2010

The following is a summary of the activities and accomplishments of the KACC Directorates during the year 2009/2010;

INVESTIGATIONS AND ASSET TRACING

This Directorate is charged with the receiving of reports and investigation of corruption and economic crime. During the year under review, a total of **4,372** reports were received and analyzed. Out of these, **1,281** reports were within the mandate of KACC and hence taken up for further action. The table below summarizes how the 1,281 reports have been dealt with.

Summary of Investigations

Status of investigations	July 2009 – June 2010
Completed investigations	107
Cases Pending Under Investigations	236
Cases referred to other agencies for investigations	130
Inquiries undertaken and recommended for no further action after preliminary Investigations	201
Report under intelligence development	595
Cases for prevention	10
Cases considered for legal advice	2
Total	1,281

Highlights of the Investigations

15 of the completed investigations comprised of cases with a combined net worth of **Kshs. 7,635,000,000**. The ongoing cases comprise 12 cases with a combined net worth of **Kshs. 13,890,000**. Several high ranking public officers have been arraigned in court on various charges of corruption arising from the completed investigations. A total of **88** criminal cases were presented before the courts for prosecution of suspects, for offences such as bribery, abuse of office, unlawful acquisition of public property, flouting of tendering procedures, tax evasion and conflict of interest.

Illegally acquired and unexplained Assets

Tracing of illegally acquired and unexplained assets is one of the main functions of KACC. During the period under review, the Commission traced illegally acquired assets amounting to an estimated value of **Kshs. 2,336,483,091**. The assets mainly comprise public land illegally acquired by private developers, misappropriated public funds from government projects, and illegal/irregular

payments to suppliers. A total of 30 investigations were completed while 276 are pending.

Proactive Investigations

Disruption of corruption networks is one of the key proactive strategies applied by the Commission to fight corruption and economic crime. In the period under review, KACC detected and disrupted corrupt activity in two key public institutions, in which a total of **Kshs. 14,700,000** of public funds would have been lost.

The Commission also initiated an **integrity testing programme** aimed at inculcating a culture of responsibility and integrity in the public service. A total of 14 integrity tests were conducted targeting six public institutions. Most of the integrity tests conducted revealed that corruption is still rampant in the public service, and appropriate action was taken on the officers concerned.

LEGAL SERVICES

This Directorate is charged with, among other functions, instituting cases for recovery of illegally acquired public assets, perusal of evidence and preparation of statutory reports to the Attorney General, seeking court orders for preservation of property suspected to have been acquired corruptly, applying for search warrant orders, and handling of judicial review and constitutional references where the Commission is involved.

Reports to the Attorney General

A total of 104 reports on concluded investigations were forwarded to the Attorney General, summarized as below;-

Recommendations to the AG	Total
No. of files recommended for prosecution	79
No of files recommended for administrative action	4
No of files recommended for closure	21
Total	104

The Attorney General accepted the recommendation by KACC for prosecution in 75 cases, and accepted 1 case for administrative action.

Recovery of Public Assets

Through court proceedings and out of court settlements, KACC recovered public assets worth **Kshs. 1,780,000,000**. The assets comprise of illegally acquired public land and embezzled funds. KACC instituted 46 suits for recovery of public assets worth approximately Kshs. 1.7 billion. It also restored to the rightful owner ministries 160 acres of public land that had been illegally alienated and converted to private use.

The Directorate also presented a number of proposals for legislative action to strengthen the anti-corruption legal framework, and also ensure compliance with the United Nations Convention against Corruption and international best practices.

PREVENTIVE SERVICES

Through the Preventive Services Directorate, the KACC initiates corruption prevention strategies and programmes which range from public education and awareness creation, advisory services to public and private institutions, creating partnerships and coalitions against corruption, research on corruption and governance and examination of public systems.

In the period under review, KACC conducted examinations and reviews in a number of institutions to identify corruption loopholes and recommend measures for sealing them to ensure efficiency and effectiveness in service delivery. Targeted organizations included provincial and district general hospitals, Civil Registration Department, National Environmental Management Authority, and the city councils of Nairobi and Mombasa.

The Commission developed and distributed Corruption Prevention Guidelines (CPGs) on the use of Information Communication Technology (ICT). A rapid assessment on the application of the Guidelines revealed that ICT was instrumental in sealing corruption loopholes.

The Commission continued to enhance existing partnerships and collaborative activities with various institutions in public and private sectors while nurturing new partners in the fight against corruption. The Commission also trains integrity assurance officers to equip them with technical skills to enable them provide technical support in mainstreaming anti corruption strategies within their institutions. The trained IAOs also act as secretaries of their institutional Corruption Prevention Committees (CPCs). A total of 515 Integrity Assurance Officers (IAOs) from various public sector institutions were trained during the period under review.

KACC conducted public education, training and awareness programmes through the media, community outreach clinics, dissemination of information, education and communication materials; and integrity/anti-corruption training.

IMPORTANT DEVELOPMENTS IN 2009/2010

During the period, Kenya witnessed a number of key events and occurrences with a momentous significance to the war against corruption in the country. They are set out as here under.

(i) Promulgation of a New Constitution

On the 4th August 2010, Kenya endorsed a new Constitution through a national referendum. The referendum was the culmination of a long and arduous process of constitution making that has been on going in Kenya for over twenty years. The new constitution was promulgated on the 27th August 2010 when it officially replaced the old constitution. The new constitutional dispensation presents a new order in the fight against corruption in Kenya. Unlike the situation in the past, it entrenches anti-corruption in the constitution and sets a policy framework that shall henceforth guide anti-corruption strategy. It also seeks to establish a new Ethics and Anti-Corruption Commission with an expanded mandate on matters of ethics and integrity in the public service. The Constitution mandates Parliament to enact legislation for the establishment of the Ethics and Anti-Corruption Commission within one year from 27th August 2010.

The paradigm shift on anti-corruption presented by the new Constitutional regime has already begun to be felt. Several high ranking public officers implicated in graft have had to quit their offices pending conclusion of investigations and finalization of cases. It underscores government commitment to uphold the spirit of the new constitution on ethics and integrity.

Key areas on anti-corruption that the Constitution has exhaustively addressed are:-

- Laying down stringent requirements on integrity, leadership and ethics in public service,
- Setting a framework for freedom of information,
- Anchoring the Ethics and Anti-Corruption Commission as a Constitutional Commission,
- Assigning an anti-corruption mandate on other public institutions with clearly defined roles.

(ii) Joint Resolution to Fight Corruption by Permanent Secretaries, Accounting Officers and Chief Executives of State Corporations

A high level meeting of Permanent Secretaries, Accounting Officers and Chief Executives of State Corporations was convened by His Excellency the President and the Rt. Hon. Prime Minister on the 5th and 6th February 2010. The agenda of the meeting was the formulation of strategies to detect, fight and eliminate corruption in the public service. KACC actively participated in the meeting through the then Acting Director, Dr. P. Mutonyi who also had the chance to address the gathering. Resolutions with far reaching consequences were made. The resolutions demonstrate a determination and willingness by the participants to confront the evil of corruption, and also to take responsibility for any malpractices in their respective docket. The said resolutions made, in brief, were;-

1. A commitment to implement His Excellency the President's and the Prime Minister's directives on the fight against corruption;
2. Exercise firmness in the execution of laws and regulations;
3. Expeditiously deal with corruption cases in their respective mandates;
4. Fast track the use of ICT as a weapon to fight corruption;
5. Mainstream preventive measures to fight corruption;
6. Institute innovative intelligence collection strategies on unethical practices in the public service;
7. Recognize, reward and protect whistleblowers, anti-corruption reformers and officers of integrity;
8. Institute Integrity Testing Programmes in the respective Ministries and Departments to create an aura of omnipresence of KACC in all government agencies as a measure to deter corrupt practices;
9. Transform closed-up government offices into open work-stations to ensure more transparency and accountability starting with corruption prone areas;
10. Revamp and enforce systems and procedures of work that ensure transparent, accountable and efficient service delivery and seal corruption loopholes;
11. Continuously monitor and evaluate respective institutional programs being implemented to fight corruption;
12. Encourage procurement of local goods, especially furniture with a view to create employment for the youth;

13. Formulate a plan of action with a time frame and measurable strategies that have specific inputs/outputs and outcomes with respect to tackling corruption;
14. Take full responsibility for actions and decisions bearing on integrity;
15. Include a requirement in the employment contracts and appointment letter for those implicated in corruption through investigation to step aside;
16. Adopt a holistic approach in the fight against corruption, including development of good governance and anti-corruption curricula for use in education and training programmes,
17. Inculcate values of governance and ethical behaviour in daily life of a public officer through rigorous application of public officer ethics act and the civil service code of activity;
18. Develop a code of conduct for other public institutions,
19. Undertake a rigorous public education and awareness campaign on corruption.
20. Develop appropriate governance structures to enhance internal oversight mechanisms/strategies in the fight against corruption.
21. Compile (by KACC) and regularly update blacklisted private service providers. corporate individual, involved in corruption and disseminate to all public institutions;
22. Respond promptly and decisively on public concerns on incidences of corruption on our mandate areas; and strengthen Inter-Agency collaboration in preventing and combating corruption.

(iii) Ruling by the Court of Appeal on Competence of KACC to undertake Mutual Legal Assistance.

Mutual Legal Assistance is an important tool for fighting corruption, where the précis of the crime transcend boundaries of countries. An institution charged with fighting corruption must be able to undertake mutual legal assistance and cooperate with other states so as to effectively investigate corruption and recover proceeds of corruption that are stashed in foreign jurisdictions. The High Court of Kenya had, in a ruling made on 20th December 2007 (*High Court Miscellaneous Civil Case No. 695 of 2007 - First Mercantile Securities Corporation Vs Kenya Anti-Corruption Commission*) declared that KACC had no legal competence to undertake mutual legal assistance. The ruling had far reaching consequences on the operations of KACC, especially at time when it was investigating mega

corruption involving foreign firms associated with the Anglo-Leasing contracts. An appeal against the high court ruling was instituted in the Court of Appeal.

In a landmark three judge bench ruling delivered on 16th July 2010, the Court of Appeal not only overturned the findings of the High Court but also affirmed the ability and competence of KACC to undertake mutual legal assistance. This development shall to a big extent revitalize efforts by KACC to tackle transnational corruption.

(iv) New Management at KACC

On the 30th September 2010, the then Director of KACC Justice Aaron Ringera and Deputy Director Fatuma Sichale tendered their resignations to His Excellency the President. This was after their reappointment to management of KACC raised concerns in Parliament, which approves appointments to the positions of Director and Assistant Directors under the Anti-Corruption and Economic Crimes Act. After their exit, Dr. P. Mutonyi was appointed as the Acting Director, a position he held for about one year during which the recruitment process for a new Director was set in motion. It culminated with the appointment of Prof. P. L. O. Lumumba as the Director/Chief Executive, and two Assistant Directors namely; Pravin Bowry – in charge of Legal Services, and Prof. Jane Onsongo – Preventive Services. Dr. P. Mutonyi and Wilson Shollei continue in office as Deputy Director and Assistant Director Finance and Administration respectively. The fresh blood at KACC has seen an invigorated fight against corruption in Kenya.

(v) Opening of a Regional Office in Kisumu

On the 4th June 2010, KACC opened a new regional office in the lake side town of Kisumu. The office shall greatly enhance the reach of the Commission to the people in the grassroots. It is intended to serve the Nyanza, Western and North Rift regions of Kenya.

International and Regional Engagements

KACC has in the past one year participated in a number of activities on the international and regional arena. In summary;-

1) International Anti-Corruption Day

The Commission organized and sponsored the commemoration of the International Anti-corruption Day, which was held on 9th December 2009. A

Key Challenges and Constraints

i. Policy and Legislative Framework

The legal framework establishes many institutions that have a basic anti-corruption function in their mandates. However, there has been a lack of national anti-corruption policy to give strategic direction to the fight against corruption in Kenya, which would ensure coordination of anti-corruption initiatives by the various public institutions and stakeholders. The country's Vision 2030 recognizes the need to have such a policy as one of the strategies towards achieving the long term and medium term goals under Vision 2030. It is however hoped that under the provisions of the new constitution, a window has been created through which a policy can be formulated and developed to address the issue.

Another area of concern is whistle blower protection. Although the Witness Protection Act has now been enacted, the institutional mechanisms and capacity to give effect to have the Act operationalised are at the teething stages. The same case applies to anti-money laundering. The country recently enacted the Proceeds of Crime and Anti-Money Laundering Act, which establishes the Asset Recovery Unit to deal with issues of money laundering and recovery of proceeds of crime, but the institutions and working mechanisms are yet to be put in place.

KACC investigations touching on transnational corruption have for some time been hampered by lack of powers to undertake mutual legal assistance, as a result of the prohibitive High Court ruling in High Court Miscellaneous Civil Case No. 695 of 2007 - First Mercantile Securities Corporation Vs Kenya Anti-Corruption Commission elucidated above. This impediment has now been addressed by the Court of Appeal ruling. However, a bill on mutual legal assistance is pending in Parliament, which seeks to expressly recognize the anti-graft body as a competent authority for purposes of mutual legal assistance in Kenya.

ii. Capacity Constraints at KACC and other Stakeholder Institutions

Presently, KACC has a staff complement of 273, inclusive of management and support staff. The ratio of Commission staff to the population and corruption level is low compared to best practice and international standards. The same case applies to other strategic partners, notably the office of the Chief Public Prosecutor under the Attorney General's office, and the Judiciary.

iii. *Slow Judicial Process*

Corruption cases are adjudicated upon by Special magistrates appointed by the Chief Justice. Under the Anti-corruption and Economic Crimes Act, such cases are supposed to be heard on a day to day basis until completion. However, the Special magistrates in many of the stations are also the senior judicial officers, meaning that they have to double up as the in charge of the stations. As a result, they are assigned many other roles and duties at the stations such that it is not possible to hear corruption cases as required by law. Furthermore, frequent transfers of the special magistrates within a trial have hampered the expeditious disposal of corruption cases.

iv. *Lack of Enforcement Mechanisms of Preventive Recommendations*

KACC lacks legal sanction and powers to ensure that public bodies whose systems and procedures it has examined have complied with the recommendations. Without such enforcement capability, its function of corruption prevention is to some extent limited.

v. *Adverse Court Decisions*

Although there have been many victorious decisions from our courts that go a long way in aiding the fight against corruption, a number of judicial pronouncements from the superior courts hamper anti-corruption efforts. Suspects in investigations and prosecutions file judicial review and constitutional applications in the High court to challenge the exercise of KACC's investigative mandate or the constitutionality of the legal provisions under the Anti-Corruption and Economic Crimes Act. Interim orders obtained in the proceedings stall investigations or delay the hearing of the criminal cases.

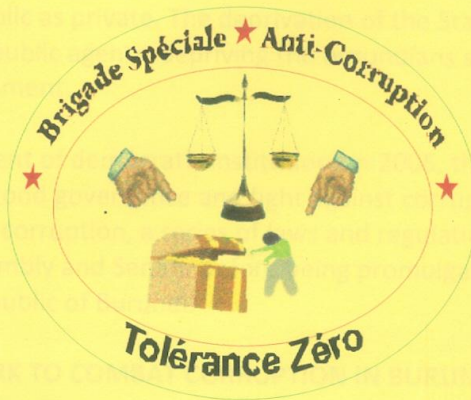
Furthermore, some of the trials that have proceeded to conclusion result in acquittals of the accused persons on technical points of law rather than merits of the evidence.

OVERVIEW ON THE BRIGADE SPECIAL ANTI-CORRUPTION

INTRODUCTION

Since 1993 with the violent conflict that our country has endured, new deplorable behaviors reared in Burundi in particular in connection with the economic corruption and embezzlements, related to the management of corruption has taken sprawling proportions and has become a major obstacle to the country as well as a major barrier to the economic and social development and security development.

With the establishment of the Special Brigade Anti-Corruption, the Government adopted a policy of zero tolerance against corruption. This policy was supported by the National Assembly and the President of the Republic.



Report of Special Brigade Anti-Corruption, Burundi.

The Government program for 2010-2015

In addition, commitment and determination of the Government of Burundi to fight against corruption was evidenced by the establishment of institutions in charge of fighting against corruption and related affairs. These institutions are:

the Special Brigade Anti-Corruption;

the Anti-Corruption Court;

OVERVIEW ON THE BRIGADE SPECIAL ANTI-CORRUPTION



INTRODUCTION

Since 1993 with the violent conflict that our country has endured, new deplorable behaviors raised in Burundi in particular in connection with the economic corruption and embezzlements. Indeed, the phenomenon of corruption has taken sprawling size and embraced several sectors of the countries as well public as private. The deprivation of the State settled in the attitudes of certain public agents, depriving the burundians socio-economic and security development.

With the establishment of democratic institutions in 2005, the Government adopted a policy of good governance and fight against corruption. In order to prevent and combat corruption, a series of laws and regulations were adopted by the National Assembly and Senate before being promulgated by the President of the Republic of Burundi.

I. LEGAL FRAMEWORK TO COMBAT CORRUPTION IN BURUNDI

In Burundi, the fight against corruption is placed at the center of policies and priorities of the Government which are:

- The Arusha Peace and Reconciliation Agreement in Burundi;
- The Constitution of the Republic of Burundi of 18 March 2005 framework strategy for growth and fight against poverty;
- The Government program for 2010-2015.

In addition, commitment and determination of the Government of Burundi to fight against corruption was evidenced by the establishment of institutions in charge of fighting against corruption and related offenses. These institutions are:

- The Special Brigade Anti-corruption;
- The Anti-Corruption Court;

- The General Inspectorate of the Government.

The creation of these institutions has been followed by a series of other laws to support them in their mission, including:

- Law No. 1 / 12 of 18 April 2006 on measures for preventing and combating corruption and related offenses;
- Law No. 1 / 02 of 11 January 2007 establishing the Customs Code;
- Law No. 1 / 01 of February 4, 2008 on Codes of Procurement in Burundi;
- Law No. 1 / 05 of April 22, 2009 Revision of the Penal Code;
- Law No. 1 / 36 of 13 December 2006 on the creation , organization and tasks of the Anti-Corruption Court;
- Review of decree law No. 1 / 015 of 19 May 1990 on organic law of procurement.

Concerning the Special Brigade Anti-Corruption, it was created by Law No. 1 / 27 of 3 August 2006 that specifies its organization and its operation. accordance with Article 2. 1, "the Special Brigade Anti-Corruption has a global mission to moralize public life, deterrence of corruption and related offenses and law enforcement."

II. MISSIONS OF THE SPECIAL BRIGADE ANTI-CORRUPTION

The specific tasks of the Special Brigade Anti-Corruption are defined as follows in Article 2 paragraph 2 of the Act as above:

- Combating the phenomenon of corruption and other organized crimes in an interdisciplinary approach integrating intelligence, investigations and prosecutions;
- Report acts of corruption and economic mismanagement and financial;

- To investigate on the acts of corruption and embezzlement of which it is informed and that haven't been yet object of legal proceedings;
- Explore the grievances or complaints relating to suspected acts of corruption or related offenses;
- To take the case to the Prosecutor General at the Anti-Corruption Court after the investigator found the facts may constitute corruption or related offenses;
- Cooperate with national, foreign and international institutions in charge of fighting against corruption and related offenses.

III. POWERS CONFERRED TO THE STUFF OF THE SPECIAL BRIGADE ANTI-CORRUPTION

With the same powers as the Officers of the Judicial Police, the officers of the Special Brigade Anti-Corruption are authorized to establish corruption and related offenses, to gather evidence, to seek out the offenders and if necessary , to conduct custody pursuant to the Code of Criminal Procedure (Article 6 of Law No. 1 / 12 of 18 April 2006 on prevention of corruption and related offenses).

A. POWERS CONFERRED TO THE GENERAL COMMISSIONER

The General Commissioner of the Special Brigade has extensive powers in the fight against corruption. Indeed, apart from the powers listed above, he may request the competent jurisdiction to issue an order for arrest to prevent a suspect from disposing of his property until the end of the procedure.

The General Commissioner may also require the prohibition of leaving the territory of any suspect with the relevant authorities. As such, all or part of travel documents may be subject to forfeiture.

B. POWERS CONFERRED TO OFFICERS

Upon approval of the General Commissioner of the Special Brigade Anti-Corruption and provided a written warrant issued by the General Prosecutor at the Anti-Corruption Court, the officers of the Special Brigade Anti-Corruption can:

- Access and verify data, documents, files on any support relating to any public service, any local authority or any public society, any company with public participation or mixed economy, any bank, any unit of any self-managed unit of consumption, industrial or agricultural production or any private organization providing management of a public service;
- Enter any premises and public buildings and require an officer and public authority regardless of their rank in the hierarchy to provide any information about the organization, operation and functions within the service and produce all relevant documentation ;
- Examine and exploit the information contained in the declarations of assets;
- Inspect the bank accounts and other financial institutions of the suspect, her husband or his wife, his first-degree relatives, and require the production of any documents relevant to the investigation. Even secrecy or confidentiality of documents cannot then oppose;
- Require any person the information on the ownership or possession of property and / or any other information relating to the investigation and / or produce documents in his possession or under his control.

In addition, officers of the Special Brigade Anti-Corruption may undertake a search provided with a search warrant issued by the General Prosecutor at the Anti-Corruption Court, and in this case, all papers, documents, objects or substances can serve as evidence, and any securities or commodities related to bribery and related offenses can be seized and sealed, and also perform any method he considers necessary to the finding of violations.

Given the alarming proportions of corruption during this period of consolidation of peace, the government reaffirmed once again its commitment to fight vigorously against corruption by declaring at the end

of August 2010 a "**zero tolerance**" against corruption during the next five years mandate.

IV. ZERO TOLERANCE AGAINST CORRUPTION

A. IMPLEMENTATION OF THE KEYNOTE SPEECH OF HIS EXCELLENCE THE PRESIDENT OF THE REPUBLIC

In his message to the nation on September 2, 2010, His Excellency the President of the Republic of Burundi said that special attention be given to monitoring the Public Treasury and that "severe sanctions will be given to people found guilty of dilapidation, diversion, corruption, economic embezzlements and other related offenses".

In order to positively change such things, all authorities have been involved to follow this guideline to take care of the public property, and not yield to sentimentalism when it is a question of carrying out this combat with the watchword of "**ZERO TOLERANCE**". .

To achieve program, the Government started to organize at the highest level of the public awareness campaigns on the misdeeds of corruption in all the public services since the fight against corruption cannot be the prerogative of the only specialized agencies in the fight against corruption without involving all Burundians.

This commitment of the Government in fighting against corruption is beginning to bear results and Burundians start to understand that the time for impunity is over and that the public good is sacred. Indeed, some senior officials who once believed immune from legal proceedings have been arrested and will appear before the competent jurisdiction for hearing on economic crime committed in the execution of accounts and public budget or societies whose leadership was entrusted to them.

This political will is widely shared and supported by the majority of

Burundians who estimate that the appropriate time to take effective measures to fight against this scourge which, domestically, continues to affect the credibility of the government vis-à-vis citizens and internationally to tarnish the country's image among donors.

B. TOWARDS STRENGTHENING THE FIGHT AGAINST CORRUPTION

The establishment of institutions for the fight against corruption alone is not sufficient if they are not accompanied by a strong awareness about the forms of corruption, misdeeds, and on the legal framework against corruption and related offenses.

In this spirit, committees of good governance are being set up so that people are sensitized on evils of corruption. The government also plans an education from the primary school to the high degree on the values of the respect of the public properties.

Moreover, an interministerial committee has set up a commission to develop an action plan for the implementation of the national strategy on good governance and fight against corruption.

Finally, to conduct an effective fight against corruption, a synergy between the institutions in charge of the fight against corruption (Special Brigade Anti-Corruption Prosecutor's Office at the Court Anti-Corruption, Anti-Corruption Court, and Supreme Court) has been established and a framework for discussing ways and means of fighting against corruption created.

V. CONCRETE ACTIONS OF THE SPECIAL BRIGADE ANTI-CORRUPTION IN THE FIGHT AGAINST CORRUPTION

The Special Anti-Corruption Brigade is composed of officers from various socio professionals areas including engineers, lawyers, chemists, accountants, tax, customers, police officers, etc...This professional diversity constitutes an asset to the Special Brigade Anti-Corruption which does not have to resort to

In total from 01st January 2010 to 31st October 2010, the intervention of Special Brigade Anti-Corruption's officers has helped the Treasury to recover an amount equivalent to Two billion five hundred thirty eight million nine hundred and seventy seven thousand four hundred and twenty six Burundian francs **2.538.977.426Bif** or two millions thirty one thousand one hundred eighty one dollars U.S. (**U.S. \$ 2.031.181**).

VI. THE IMPACT OF THE BRIGADE SPECIAL ANTI-CORRUPTION

The gradual implementation of the Regional Offices of the Special Brigade Anti-Corruption inside the country has been benefic to the country on good governance and fight against corruption and related offenses.

Indeed, by their daily presence, awareness on the legal framework against corruption, their acts of dissuasion and prevention, and unfortunately sometimes the act of repression, the officers of the Brigade contributed to the change of behavior of some public agents, traders and others.

Currently, many people come and denounce voluntarily the acts of corruption whose they have been informed or of which they were victim. There is a really willingness of public agents to cooperate with the various regional police in the search for evidence that could assist investigators.

Also, the Keynote Address by His Excellency the President of the Republic of Burundi has reinforced the adhesion of population in fighting against corruption.

The deprivation of the state is strongly affected by the current change in attitude towards the respect of public affairs in the sense that a large majority of traders are also involved in the fight against corruption by working in formal way, but if necessary, by denouncing the irreducible to lead them to respect the rules of legal gambling.

VII. PARTNER OF THE BRIGADE SPECIAL ANTI-CORRUPTION

Without the material and financial support of partners below, the Special Brigade Anti-Corruption alone would certainly not have achieved the breakthrough in strengthening good governance and fight against corruption and related offenses.

These partners are: the Government of Burundi, the United Nations Integrated Office in Burundi, the Association of Institutions for the Fight against Corruption in East Africa (EAAACA), USAID and the Embassy of France in Burundi.

May all and each one of them find here our sincere thanks and its satisfaction in the work achieved by the Special Brigade Anti-Corruption in the moralisation of the public life in Burundi.

1. THE GOVERNMENT OF BURUNDI

With the Government's political will, the institutions of the fight against corruption have been created, the payment of rental of the building of the Brigade and the running costs of the Special Brigade Anti-Corruption in the form of subsidies are annually supported by the Government, maintenance and provision of furniture as well.

2. INTEGRATED OFFICE IN BURUNDI UNITED NATIONS (BINUB)

In addition to providing office furniture, twelve vehicles, various tools, machinery and other equipment, BINUB supported the capacity building of officers of the Brigade through various training in Burundi (Audit, Public Accounting, criminal law, investigative techniques, Computers and English). It has also funded participation in some seminars of fight against corruption both inside and outside the country.

3. THE EAST AFRICAN ASSOCIATION OF ANTI-CORRUPTION AUTHORITIES

(EAAACA)

In collaboration with the United Nations Office against Drugs and Crime (UNODC), the association argued significantly in our institution capacity building of officers of the Brigade and the management of international transportation costs and accommodation in Kenya and Uganda from 2008 to 2010

4. UNITED STATE AID (USAID)

USAID has funded the one hand the capacity building of officers of the Brigade through CHEMONICS, and secondly the multiplication of texts and laws and other working documents

5. The Embassy of France has equipped meeting room, provided a screen, a camera, a projector and a laptop.

VIII. PARTNERSHIP WITH OTHER ORGANIZATIONS SISTERS

Our institution is a member of:

- The International Association of Authorities to Fight Corruption (IAACA);
- The East African Association of Institutions for the Fight against Corruption (EAAACA);
- Anti-Fraud Office (OLAF), which is an institution of the European Union with similar missions as the Special Brigade Anti-Corruption.

IX. CONSTRAINTS

Given the Government's determination to combat corruption through the

Keynote speech of His Excellency the President of the Republic of Burundi as a guideline with the "Zero Tolerance" for people found guilty of dilapidation, diversion, corruption, economic embezzlements and other related offences, a hope reappears that the public services up to that point reticent for the granting of information necessary during the investigations will compose with the bodies of fight against corruption.

The Government's political will to combat corruption and related offenses is a major asset to support the organs of fight against corruption in particular the Special Brigade Anti-Corruption to be provided with material, financial and human resources to accomplish its mission of moralization of public life in the seventeen provinces of Burundi.

Other Constraints concern the extraction of persons accused of corruption in Burundi and who take refuge in neighboring countries. This problem the seize and repatriation of asset stolen from Burundi.

Done to Bujumbura the 12th of November 2010

THE NAIROBI COMMUNIQUÉ OF THE EAST AFRICAN
ADMINISTRATIVE AND LEGAL COMMISSION AT NAIROBI
ON 26 NOVEMBER 2010

The 42nd Session of the Commission of the East African Community (EAC) was held in Nairobi, Kenya from 22nd to 27th November 2010. The Commission was presided over by the Hon. Justice Mwangi Gathugi.

During the session, the Commission considered the report of the Secretary-General on the work of the Commission during the past year.

The Commission also considered the report of the Secretary-General on the work of the Commission during the past year.

**NAIROBI COMMUNIQUÉ OF 26TH
NOVEMBER 2010.**

The Commission noted with appreciation the report of the Secretary-General on the work of the Commission during the past year. It commended the Secretary-General for his leadership and the progress made in the implementation of the Commission's mandate.

The Commission also noted the Secretary-General's report on the progress of the implementation of the Commission's mandate.

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**THE NAIROBI COMMUNIQUE OF THE EAST AFRICAN
ASSOCIATION OF ANTI-CORRUPTION AUTHORITIES
(EAAACA) NOVEMBER 2010**

We, the Heads of the members of the East African Association of Anti-Corruption Authorities having today held the 4th Annual General Meeting at Kenya Institute of Administration, Nairobi, Kenya;

NOTING that the theme of the 4th Annual General Meeting is **Zero Tolerance to Corruption in the East African Region**;

NOTING FURTHER that the importance of prevention and combating corruption in the East African Community integration;

RECOGNISING there is need to have an African Association of Anti-Corruption Authorities to have a common continental platform to prevent and combat corruption;

RECOGNISING further that corruption impedes national efforts for poverty eradication, and delivery of essential services such as health care, education, security and undermines the rule of law and is generally an impediment to the realisation of the Millennium Development Goals and overall social, economic and political development;

COGNISANT of the fact that the corrupt are becoming sophisticated and that corruption cannot be successfully prevented and combated without the support of the general public and political will of the Political leaders;

ACKNOWLEDGING the importance of capacity building for the member Authorities;

ACKNOWLEDGING FURTHER the importance of Public awareness to the public in the prevention and combating of corruption;

HAVING RECEIVED the East African Association of Anti-Corruption Authorities reports as presented by the Heads of Anti-Corruption Authorities;

HAVE RESOLVED as follows:

1. That the Anti-Corruption Authorities shall continue cooperating with each other in detecting, tracing, investigating corruption cases, confiscating and repatriation of proceeds of corruption throughout the East African Community region;
2. That the Anti-Corruption Authorities shall provide Mutual Legal Assistance (MLA) and Technical Assistance to the fullest measure possible under the national laws of the Partner States of the East African Community;
3. That the Anti-Corruption Authorities should continue to carry out joint Regional investigations into cross border corruption to enhance the spirit of East African Community cooperation;

4. That capacity and common training strategy in the areas of investigation of corruption cases, and prosecution should be developed;
5. That the conference of the African Association of Anti-Corruption Authorities should be held in Bujumbura, Burundi in the month of May/June 2011.
6. That the application of Regulations for the East African Association of Anti-Corruption Authorities shall commence today the 26th November 2010.
7. That the Anti-Corruption Authorities should vigorously sensitise the population in their respective countries to enable them to demand for accountability and to prevent and combat corruption at all levels.
8. That the Anti-Corruption Authorities shall promptly pay membership fees and other contributions to supplement the Association's budget; and
9. That the 5th EAAACA Annual General meeting should be held in Uganda, and hosted by the Inspectorate of Government in November 2011.

SIGNED at the Kenya Institute of Administration (KIA), Nairobi, in the Republic of Kenya this 26th day of November 2010 by:


.....

Dr. Tito Rutaremara,
Chief Ombudsman of Rwanda,
Office of the Ombudsman,
REPUBLIC OF RWANDA.
President of EAAACA


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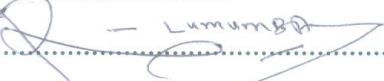
Mr. Raphael Baku Obudra,
Ag. Inspector General of Government
Inspectorate of Government,
REPUBLIC OF UGANDA.
Vice-President of EAAACA


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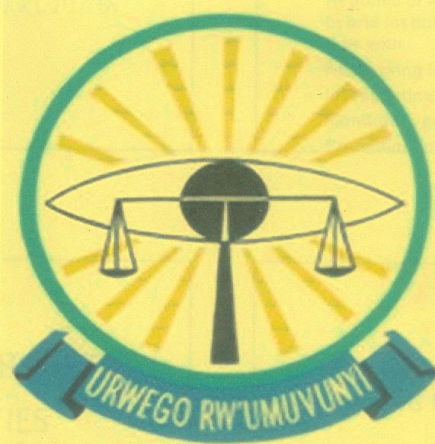
Dr. Edward Hoseah
Director General
Prevention and Combating of
Corruption Bureau
UNITED REPUBLIC OF TANZANIA.
Member of EAAACA


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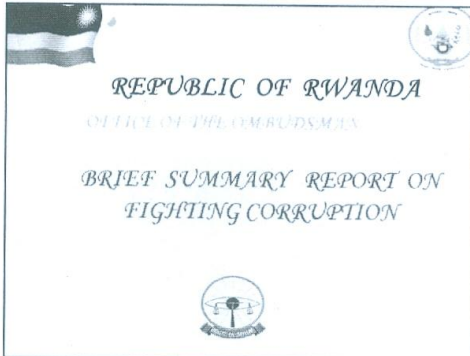
Leonidas Habonimana
Commissioner General
Special Brigade Anti-Corruption
REPUBLIC OF BURUNDI.
Member of EAAACA


.....

Prof. PLO Lumumba,
Director/Chief Executive,
Kenya Anti-Corruption Commission,
REPUBLIC OF KENYA.
Member of EAAACA



**REPORT OF OFFICE OF OMBUDSMAN,
RWANDA.**



LEGAL FRAMEWORK.

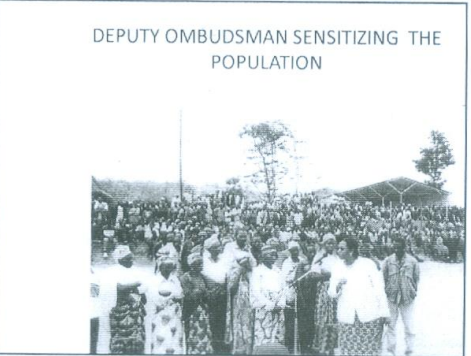
- The Office of the Ombudsman is an independent public institution which was established by 2003 Constitution of the Republic of Rwanda , article 182.It is a hybrid institution which deals at the same time with :
 - Addressing injustice complaints ;
 - Investigating corruption cases ;
 - Monitoring good governance
 - Promoting integrity and transparency.

SOME ANTI CORRUPTION ACTIVITIES

1. RAISING PUBLIC AWARENESS

1.1.OUTREACH

- Outreach team covers all 30 districts and 416 sectors every year sensitizing people to f refuse, reject and report corruption; audience: secondary schools, high institutes of learning, civil servants, private sector, ordinary citizen, civil society, media, police.....



**AN OFFICER OF THE OFFICE SENSITIZING
HIGH SCHOOL STUDENTS**



**1.2. DRAMAS ARE USED
TO SENSITIZE CITIZENS
AGAINST CORRUPTION**

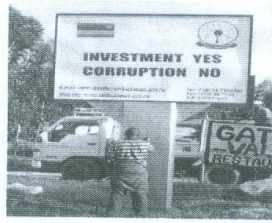


**1.3. ERECTING SIGNPOSTS
AND BILLBOARDS
ALONG ROADS IN
TOWNS AND THE CITY
OF KIGALI**

**THE OMBUDSMAN LAUNCHING THE ACTIVITY
OF PUTTING SIGNPOSTS ALONGSIDE ROADS**



**SIGNPOSTS WITH ANTI-
CORRUPTION MESSAGE ON THE
BORDER WITH UGANDA**



1.4. MEDIA RECOURSE

- Talk shows on radio and television;
- Sketch and spots;
- Debates on radios and television;
- Monthly Magazine **UMUVUNYI**;
- Town meetings

CITIZENS READING OMBUDSMAN'S MAGAZINE



MOTORBIKE DRIVER READING OMBUDSMAN'S MAGAZINE



2. MOBILIZATION OF
YOUTH AGAINST
CORRUPTION:
Students anti-
corruption clubs

AN ANTI CORRUPTION STUDENTS CLUB FROM
SCHOOL OF FINANCE AND BANKING WITH THE
PRESIDENT OF THE REPUBLIC OF RWANDA



3. ANTI CORRUPTION WEEK

- **ANTI CORRUPTION WEEK CUPS:**
athletism , volley ball, cultural
competition within songs, orchestras
and choirs;
- **ANTI CORRUPTION WEEK SPECIAL
INVESTIGATIONS:**
 - One cow programme;
 - A shelter for vulnerable citizens
- **ANTI CORRUPTION WEEK DEBATES.**

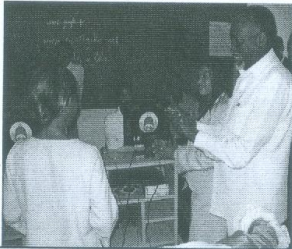
DISTRICT MAYORS ANTI CORRUPTION
AWARD



4. THE USE OF TECHNOLOGY AS A TOOL FOR COMBATING CORRUPTION

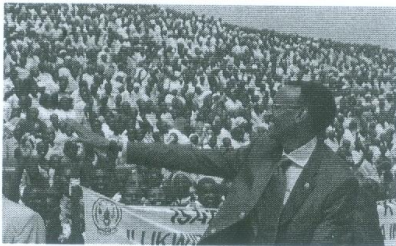
- 4.1. Through cybercafe, citizens report cases of corruption ;
- 4.2. A toll free telephone(199) is used by the citizens to report corruption from the grass-root level;
- 4.3. A mobile telephone network exists at the grass-root leaders level to report corruption to the police and the Ombudsman Office.
- 4.4. Creation of e-mail for everyone who brings complaint.

THE OMBUDSMAN WITH STUDENTS ANTI CORRUPTION CLUB ULK RUBAVU



5. POLITICAL WILL

5.1. POLITICAL WILL IS THE KEY CONDITION FOR THE SUCCESS.



6. PROMOTING INTEGRITY

6.1. DECLARATION OF ASSETS & PATRIMONY

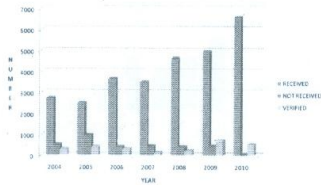
Have the duty to declare every year their assets and patrimony to the Office of the Ombudsman.

- High ranking State officials;
- People involved in public and finance management

Table of Receiving and Verifying Declaration of Assets (2004-2010)

Year	Received	Not received	Verified
2004	2770	527	317
2005	2532	984	450
2006	3679	454	316
2007	3526	480	157
2008	4629	453	227
2009	4957	489	753
2010	6598	55	552

Graphic of Receiving and Verifying Declaration of Assets (2004-2010)



H.E Paul Kagame submitting his declaration of assets & patrimony



The Prime Minister declaring his wealth at the Office of the Ombudsman



6.2. LEADERSHIP CODE OF CONDUCT

- Interdictions to high ranking officials (conflict of interest, mismanagement of public funds, misbehavior, etc);
- Sanctions (penal and administrative sanctions)

(Organic Law No 61/2008 on Leadership code of conduct)

6.3. MONITORING GOOD GOVERNANCE IN PUBLIC INSTITUTIONS

- Operational audits in central government: ministries, commissions, governmental agencies and parastatals;
- Operational audits in local government: reports on 14 districts in 2007 and 16 districts in 2008;
- Cases found are investigated (public tenders misallocation and embezzlement).

Audited Institutions

Year	Number of audited Institutions
2004	3
2005	6
2006	15
2007	11
2008	15
2009-2010	21

NUMBER AUDITED INSTITUTIONS



Number of corruption cases

YEAR	CASES RECEIVED	CASES SUBMITTED FOR POLICE PROSECUTION	CASES INVESTIGATED AND CLOSED
2004	128	42	86
2005	35	0	35
2006	36	8	28
2007	42	12	30
2008	452	31	451
2009	129	16	113
2010 (First Quarter)	15	-	-
TOTAL	667	106	739

Number of corruption cases



TRANSPARENCY INTERNATIONAL PERCEPTION ON RWANDA

3.1 2.5 2.8 3.0 3.3 4.0

7. Partnership with other Anti-Corruption Institutions

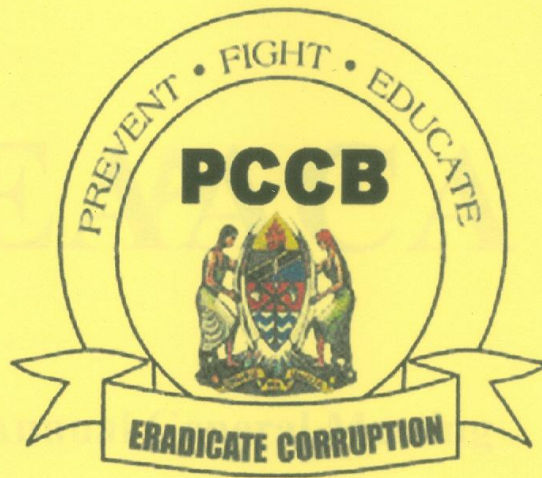
- The Ombudsman office chairs the National Anti-Corruption Advisory Council which comprises the following institutions:
- Office of Ombudsman, National Police, Supreme Court, National Public Prosecution Authority, Ministry of Justice, Ministry of Local Government and National intelligence and Security Services. The aforementioned Council helps anti-corruption institutions join their efforts against corruption through exchange of information on corruption.

Partnership (Cont'd)

- Office of Ombudsman is a member of East African Association of Anti-Corruption Authorities (EAAACA)
- The office of Ombudsman is in partnership with the civil society like the media, NGO's, youth etc. so that the fight against corruption can be strengthened

END

THANKS



**REPORT OF PREVENTION AND COMBATING OF
CORRUPTION BUREAU (PCCB), UNITED
REPUBLIC OF TANZANIA.**

TANZANIA

The Prevention and Control of Corruption (PCC) Report

I. INTRODUCTION

The Government of Tanzania

has been a member of EAAACA

since its inception in 1998

and has been actively engaged

in the implementation of the

Convention on the Prevention

and Control of Corruption

EAAACA

Annual General Meeting

Country Report – Tanzania

2. DIRECTORATE OF COMMUNITY EDUCATION

As of June, 2010 through the department, regional and district offices, special public awareness programs were conducted throughout the country to sensitize the public on the newly enacted "The Election Expenses Act No. 6/2010, corrupt offences under the Prevention and Combating of Corruption Act No. 11/2007 and the Election Act". The aim was to sensitize and encourage the would be voters and candidates to refrain from engaging in corrupt acts during election period so as to have a corrupt free elections and free from the adverse effects to the peoples' lives and economy.

Other activities under community education are:-

- **Radio and Television Programs:** involve different stakeholders to discuss on how they fight corruption within the organizations and challenges they encounter. TV programs also involve special programs for students (Anti-Corruption Club Members) where they show drama and debates. One of these programs is Wazo Tete which involves youths to discuss corruption matters.

There were Radio and Television Special programs for election. The programs involved key stakeholders including Political Parties Registrar, Chief Accountant and Auditor General, National Election Commission, the Media, Faith Based Organization, Civil Societies and Non Governmental Organization.

- **Special programs:** that involves disadvantaged people (deaf and blinds). PCCB has already developed **Braille** to enable blind people to read brochures and newsletters with anti-corruption messages.
- **Youth programs:** For sustainable anti-corruption campaigns, PCCB involves anti-corruption Clubs from secondary schools in a number of activities. Students conducts different activities such as games, debates, poem writing, cartoon drawing competition, drama and singing competition. To date there are 3,850 clubs out of 3852 secondary schools in Tanzania Mainland with 257,339 members.

- **Publications:** PCCB has continued to deliver anti-corruption messages to the community through publications such as quarterly newsletters, wall and desk calendars, brochures, posters and diaries. A total of 250,000 newsletters, 235,000 calendars, 838,087 brochures, 58,000 posters, 10,004 copies of PCCA and 3,850 diaries have been produced and distributed for the year 2008 -2010.
- Preparation of promotional materials with anti-corruption messages such as wheel covers, stickers, t-shirts, caps, mugs, khanga, mugs, banners, handkerchiefs and key holders. A total of 33,370 promotional materials have been produced and distributed for the year 2008 -2010.
- **Public talks**
The PCCB holds public talks at local communities where individuals get the opportunity to ask questions raise problems and discuss other corruption relevant issues with the PCCB. Also present at these public talks or meetings are Heads of MDAs that happen to be the centre of the days' discussion who get the opportunities to hear and solve people's problems raised at such open talks. Moreover, the PCCB uses such gatherings to further educate the public on the effects of corruption and on practical corruption prevention information and tactics. For 2008 – 2010 a total of 312 public talks have been conducted.
- **Digital mobile billboard and film screen:** Is a special outreach programme where short drama films are screened in various places throughout the country aiming at educating the society on the effects of corruption, how to identify, report and refrain from corruption. A total of 85,031 were reached and sensitized.
- **Anti - corruption campaign through mobile sms:** Is a special program used during the election period to sensitize and encourage the public not to engage in political corruption. A total of 9 messages were prepared and broadcasted with a circulation of around 24 million messages.

- **Library services:** The Bureau offers library services which is equipped with varieties of modern books which are mostly useful by staff members. The library is connected to the *Westlaw International Network* and there are 1500 different titles of books in stock.

3. NATIONAL ANTI-CORRUPTION STRATEGY AND ACTION PLAN PHASE TWO (NACSAP II) 2008-2011

The National Anti-Corruption Strategy and Action Plan, Phase two (NACSAP II) is the government blue print for carrying out the intent of the National Anti-corruption Policy which is zero tolerance. NACSAP II is therefore a preventive tool that seeks to foster transparency, integrity and accountability in the conduct of public affairs, Private Sector, Non State Actors (NGOs, CSOs and Media) and the public. It also encourages strategic partnership between anti-corruption bodies of the National Government, the Private Sector, Civil Society, Media and Development Partners (DP) in combating corruption and enhancing good governance in Tanzania.

The implementation strategy covers four years (2008-2011) and provides an opportunity to all stakeholders to translate the government's anti-corruption policies, aspirations and perspectives into practical and actionable programmes through eight key strategic goals (key results areas/objectives) as listed below:

NACSAP II is the Government of Tanzania's Blue print that is intended to prevent corruption in all sectors including MDA's, LGA's, Private Sector and Non-State actors (CSO's, and Media)

3.1 The implementation of NACSAP is persuade by 8 goals:

- Combat Corruption in a more scientific way and by addressing its root causes.
- Strengthen anti-corruption mechanisms at all the MDA's.

- Introduce systems of integrity, accountability and transparency in Local Government Administration (LGA's).
- Mainstream and empower the Private Sector into anti-corruption.
- Mainstream and empower CSOs and other non-state actors into the anticorruption processes.
- Raise public awareness of anti-corruption.
- Build synergy between NACSAP and Legislative and Judicial integrity programs.
- Enhance the capacity of PCCB and Director of Public Prosecution to deal with corruption, manage and implement NACSAP.

NACSAP II implementation unit through partnership and funding from UNDP continued to make tremendous progress towards NACSAP II achievements. The implementation was done through the involvement of the Media whereby editors and other senior journalists were trained in investigative journalism and the Election Expenses Act No. 6 of 2010. Focus was also placed on improving working relations between Media house and PCCB.

NACSAP II continued to strengthen Integrity Committees at Local Government Authorities through capacity building and raising awareness on the Election Expenses Act.

For the first time, NACSAP II was able to engage District Executive Directors and Council Chairperson from all 133 LGAs who are key players in ensuring the functionality of Integrity Committees. That will improve working environment and enhance greater understanding of their role in sustaining the integrity functions.

NACSAP II has continued to mainstream the Private Sector by capacity building on ethics infrastructure and corruption and corporate governance so as to ensure that there is reduction of conflict of interest and enhanced transparency in financial transactions.

28 Board members of the Tanzania Private Sector Foundation (TPSF) were trained on *Corruption and Ethics Infrastructure* and *The role of Private sector in Implementing NACSAP II*. TPSF is the umbrella organization for the Private sector in Tanzania. The same training was delivered to 36 members from 13 business and corporate associations from Dar es Salaam, Coastal region, Tanga, Kilimanjaro, Arusha and Manyara and to 96 women entrepreneurs' members of Tanzania Women Chamber of Commerce.

47 members from 19 business and corporate associations across Tanzania were trained on *Corruption and Corporate Governance in their Annual General Meeting convened in Dar es Salaam*. In addition to that 86 members from the Lake zone and the Southern Highlands zone received such training.

NACSAP II has also managed to create a Public Private Partnership by forming a joint committee between TPSF and the PCCB to address issues affecting businesses and make efforts to jointly resolve them. The committee is currently working on Dar es Salaam port congestion challenge and the resulting delays which not only affect business efficiency but also are loopholes for corruption.

Apart from that, NACSAP II enhanced the formation of a National Task Force to oversee establishment of an awarding system to businesses that uphold integrity and good corporate governance.

Another achievement is the formation of "Civil Society Anti-corruption Coalition". The coalition is registered as the Tanzania Anti-corruption Network (TACNet) and has a board comprising of members from the Leadership Forum, Policy Forum, TANGO and other CSOs. There have been also workshops on Election Expenses Act No.6/2010 that were conducted to stakeholders as capacity building and awareness raising with special focus on youth and women.

NACSAP II has also been instrumental in conducting Monitoring and Evaluation workshops and collecting Monitoring and Evaluation data from all MDAs. The NACSAP II Unit successfully implemented the second Annual National Anti-Corruption Forum where stakeholders reviewed and discussed reports on corruption initiatives implemented by them for the period of January to December 2009.

4. DIRECTORATE OF RESEARCH, CONTROL AND STATISTICS

The directorate continued to perform its duties based on the laid-out action plan for fiscal year 2009 - 2010. The following were done:

(a) 5000 copies of strategic study report on "Ethical Issues in Urban Land Administration in Tanzania" were produced and disseminated to stakeholders;

(b) 2000 copies of research report on the "Control of Corruption Loopholes in the Gate Collections for Football Matches in Dar Es Salaam" were produced and disseminated to stakeholders;

(c) 2000 copies of report on achievements of control loop holes in the services delivery of Tanzania Electric Supply Company Limited (TANESCO) were produced and disseminated to stakeholders;

(d) 2000 copies of the report on research and controls conducted in the fiscal year 2008/2009 were produced and disseminated to stakeholders;

(e) A total of 35 research projects on the sectors of land, infrastructures, Regional Administration and Local Governments, Health, Natural Resources and Tourism,

Agriculture, Fisheries, Education, Finance, Water, and energy were conducted countrywide; i.e., 7 projects were conducted by the head quarter and 28 projects were conducted by 24 regional offices of Tanzania mainland;

(d) 33 workshops conducted and action plan prepared to plug-in corruption loopholes;

(e) 7 post-workshop follow-ups were conducted to ascertain implementation of the action plan of the workshop;

(f) 174 control works (quick wins) were conducted by regions; and

(g) Statistical reports were prepared on quarterly basis and disseminated to other directorates of the Bureau.

5. DIRECTORATE OF INVESTIGATION AND PROSECUTION

For the year 2008 - 2010 PCCB continues to receive and investigate complaints of corruptions.

Activities for the year 2008 - 2010 are:-

- 14,426 complains were received
- 2,146 case files were opened for investigation
- 486 case files were closed
- 383 case file were taken to other Watchdog institutions.
- 125 case files were referred for disciplinary actions
- 2,497 investigation files were investigated and completed
- 463 new cases were filed into courts
- 362 investigation files were sent to DPP.
- 424 cases were prosecuted in courts
- 101 cases got convictions
- 23,467,728,265 T.shs money /asset recovered

6. PLANNING, MONITORING AND EVALUATION UNIT

This Unit was established in May, 2009 following the passing of PCCB new Organization Structure in January 2009. The Unit is placed under the Director General, and it is headed by a Director. The key objective of the Planning, Monitoring and Evaluation Unit is to provide expertise and quality services in planning, budgeting, monitoring and evaluation, and to assist the organization achieve results-oriented management.

To achieve this objective the Unit has developed the following tools in order to enhance the institution performance;

- Updated PCCB Strategic Plan 2008/2011
- The PCCB Annual Work plan
- Action plan
- Cash flow plan
- Indicators Handbook
- Monitoring and Evaluation Framework
- Tabular progress report format
- Checklists

The PME Unit established a planning and budgeting committee with members from each department/unit. Also the members were trained on planning and budgeting using software to produce a good presentable annual work plan. The committee members also trained on Monitoring and Evaluation and developed the Monitoring and Evaluation Framework of the Bureau as well as Indicators Handbook.

The planning and budgeting committee/team was able to identify and develop baseline, indicators and target to be used to measure and track the performance of the Bureau. In addition, the PME Unit is in the process of training bureau staff and management on the use of the developed tools for sustainable performance and realizing value for money through result oriented management.

7. DIRECTORATE OF ADMINISTRATION AND HUMAN RESOURCES MANAGEMENT

For the year 2009 up to October 2010 PCCB Recruited 74 new employees as an effort of capacity building. Other achievements include:

- 34 Investigation Officers attended Basic Investigation Course
- 98 PCCB Lawyers attended Prosecutors Training Programme
- 30 Office attendants attended an Office Administration Course
- 30 Secretaries attended Ethics and Customer Care Course
- 40 employees attended Senior Investigation Course
- 75 Investigation Officers attended Intermediate Investigation Course, 5 participants were from the Directorate of Corruption and Economic Crime (DCEC) of Botswana.
- 24 employees attended seminars and workshops within the country.
- 52 employees attended seminars, conferences and training out of the country.
- Six (6) new office buildings have been constructed in Lindi, Manyara and Temeke Regions and Iramba, Maswa, Mpanda Districts.
- Three (3) new office buildings are under construction in Misenyi and Newala Districts and Coast Region.

7.1 CHALLENGES

- Political corruption is still a challenge
- Even though PCCB continue to create public awareness, still few number of people who don't know much about the fight against corruption. They still have wrong perception about PCCB, bureaucracy in service delivery for public offices and lack of Political will.
- Delays collection of evidence and exhibits involves both within the country investigation and overseas investigation through the Mutual Legal Assistance (**MLA**)
- Lack or very little witness's cooperation, availability of documentary evidence on time, decision to prosecute and disposition of corruption cases in courts of law.
- The compliance of the implementation for the recommendations given after the Research has been challenging since there is no policy or law that support such recommendations.
- Sensitization of the use and ownership of basic planning, monitoring and evaluation tools such as strategic plan, performance indicators and checklists.
- Empowering of appropriate officers at all levels in planning and budgeting.

- At times delays in the submission of periodic performance progress reports occur. These present an inconvenience on the part of the Unit.

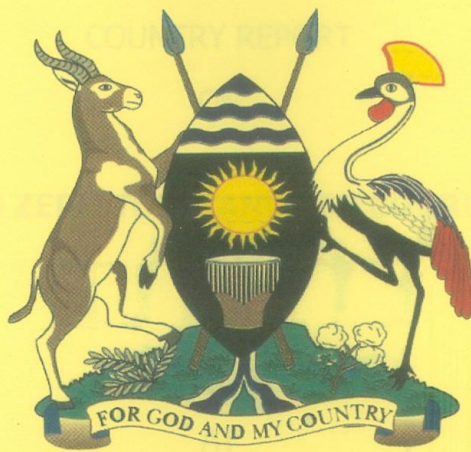
8. THE WAY FOWARD

- Cooperation amongst EAAACA members
- Strengthen and build upon the partnership and cooperation that already exists among and between PCCB and the key stakeholders
- Extend systems of integrity, transparency and accountability in all Sectors
- Develop capacities for PCCB staff and other watchdog institutions in areas of investigation corruption cases and Monitoring and Evaluation
- Carry out regular corruption surveys and engage politicians in the fight against corruption because without engaging them commissions/Bureaus will continue to face adverse effect for their wellbeing.
- Establish competence in Mutual Legal Assistance
- Sovereignty of Anti-Corruption Commissions/Bureaus has to be evaluated and strengthened.
- Providing education and sensitizing programmes on planning, budgeting, monitoring and evaluation issues for Bureau staff throughout the country. Some tools are also being designed and introduced to enhance performance of the Bureau.
- To develop The Anti - Corruption Policy document that will be a government document guiding all sectors in the fight against corruption in the country.

9. CONCLUSION

Despite the challenges above, a lot of progresses have been recorded throughout. Public trust in the government and civil servants has been enhanced as service delivery has been improved in the public offices. We believe with the introduction of Monitoring and Evaluation framework established we will be able to achieve even more tangible results in the future.

For more information please visit our website: www.pccb.go.tz



**REPORT OF INSPECTORATE OF GOVERNMENT,
UGANDA.**

BY

MR. BAKU RAPHAEL OLUKPA

AG. INSPECTOR GENERAL OF GOVERNMENT

IN

NAIROBI, KENYA

20th NOVEMBER 2010



COUNTRY REPORT

ON

**PROMOTING ZERO TOLERANCE TO CORRUPTION IN
UGANDA**

PRESENTED

AT

**4TH ANNUAL GENERAL MEETING OF THE EAST AFRICAN
ASSOCIATION OF ANTI-CORRUPTION AUTHORITIES**

BY

MR. BAKU RAPHAEL OBUDRA

AG. INSPECTOR GENERAL OF GOVERNMENT

IN

NAIROBI, KENYA

26TH NOVEMBER 2010

1 BACKGROUND

1.1 Establishment

The Inspectorate of Government was first established as a department in the Office of the President, called the Office of the Inspector General of Government. In 1988, it was elevated to a Statutory Body, by the enactment of the Inspector General of Government Act, 1988. In 1995, upon the promulgation of the Constitution of the Republic of Uganda, the Inspectorate of Government was created as a Constitutional body, under Chapter 13 of the Constitution. In 2002, the Inspectorate of Government Act, 2002 was enacted, in accordance with the provisions of the constitution, in order to operationalise the provisions of the Constitution, regarding the Inspectorate of Government.

1.2 Mandate

The Inspectorate of Government is a creation of Article 223 of the Constitution of the Republic of Uganda. Article 225 of the constitution mandates the Inspectorate of Government with the functions of eliminating and fostering the elimination of corruption, abuse of authority and of public office and promoting good governance in general. Specifically under Article 225 clause 1 of the constitution, the Inspectorate of Government is assigned the following functions;

- a. To promote and foster strict adherence to the rule of law and principles of Natural Justice in administration;
- b. To eliminate and foster the elimination of corruption, abuse of authority and of public office;
- c. To promote Fair, Efficient and Good Governance in Public Offices;
- d. Subject to the provisions of the constitution, to supervise the enforcement of the Leadership Code of Conduct;
- e. To investigate any act, omission, advice, decision or recommendation by a public officer or any other authority to which this article applies, taken, made, given or done in exercise of administrative functions; and
- f. To stimulate public awareness about the values of constitutionalism in general and the activities of its office, in particular, through any media and other means it considers appropriate.

Article 234 of the Constitution of the Republic of Uganda states that the Leadership Code of Conduct shall be enforced by the Inspectorate of Government or such other authority as Parliament may by law prescribe.

In furtherance of the above-mentioned functions, the Inspectorate of Government is granted special powers under Article 230 of the constitution which are amplified under section 14(5) of the enabling law, the Inspectorate of Government Act 2002. These special powers include the following:

- a. The power to investigate, cause investigation, arrest, cause arrest, prosecute or cause prosecution in respect of cases involving corruption, abuse of authority or of public office.
- b. Power to make orders and give directions where necessary and appropriate;
- c. Power to enter and inspect premises or property of any department of Government, person or authority and to examine or retain any documents therein;
- d. Power to enforce the Leadership Code of Conduct.

1.3 Structure of the Inspectorate of Government

The Inspectorate of Government comprises the Inspector General of Government and two Deputy Inspectors General of Government, although currently, there is only one Deputy/Ag. Inspector General. The Inspectorate of Government also has a Secretary, who heads the Finance and Administration Department. All other staff of the Inspectorate are recruited by the Inspectorate of Government's Appointments Board, in accordance with Section 6 of the Inspectorate of Government Act, 2002.

The Inspectorate currently has the following directorates that are headed by directors:

1.3.1 Directorate of Operations.

1.3.2 Directorate of Regional Offices and Follow-up.

1.3.3 Directorate of Leadership Code.

1.3.4 Directorate of Legal Affairs.

1.3.5 Directorate of Ombudsman Affairs.

1.3.6 Directorate of Education and Prevention of Corruption.

The Inspectorate of Government has a total of 15 Regional Offices spread throughout the country, reporting to the Director of Regional Offices and Follow-up. The total number of staff in the Inspectorate of Government is about 350 personnel.

1.4 Vision and Mission

The vision of the Inspectorate of Government is: ***Good governance with a corruption free and ethical society.***

The mission of the Inspectorate of Government is: "***To promote good governance through enhancing accountability and transparency; enforcement of the rule of law and administrative justice in public offices.***"

2 ACHIEVEMENTS OF THE INSPECTORATE OF GOVERNMENT IN THE PERIOD OCTOBER 2009 – NOVEMBER 2010

2.1 Reorganisation

The Inspectorate of Government has been restructured, to reflect its constitutional mandate of promoting good governance and administrative justice, eliminating corruption, enforcing the leadership code of conduct and promoting the rule of law and values of constitutionalism, by creating a new Directorate of Ombudsman Affairs and a Unit of International and Public Relations.

2.2 Education and Prevention

Although enforcement measures tend to attract more public attention, preventive measures are also effective in promoting transparency and combating corruption. As the saying goes "**prevention is better than cure**" Hence in its bid to fight corruption and promote good governance the IG uses a two pronged approach involving public awareness programmes; and policies and systems studies. The IG is also constitutionally mandated to promote the ideals of constitutionalism through public awareness programmes.

Article 225 (f) of the Constitution provides that the IG shall "***stimulate public awareness about the values of constitutionalism in general and the activities of its office in particular, through any media and other means it considers appropriate***"

Public awareness approach

The IG regularly carries out public awareness programmes through the media and workshops. The objective of these programmes is to educate the public about the evils of corruption and their constitutional right to access public services without having to pay bribes or any other extra costs.

During these public awareness programmes, the public is also made aware of their civic duties and responsibilities to demand for accountability for public funds from their leaders, value for money and to report corrupt practices to the IG

Policy and systems studies

The IG through its Policy and Systems Study Unit carries out studies into operations, policy systems, procedures and legislations of various government institutions with the intention of identifying those systems or policies that hamper effective service delivery or foster administrative malpractices or corruption. At the end of the study recommendations are made for remedial actions to improve service delivery, transparency, accountability and minimize corruption.

2.3 Detection and Enforcement: Investigations, Arrests, Prosecutions and Asset Recovery

The Inspectorate of Government has the powers to investigate arrest and prosecute in respect of cases involving corruption and abuse of office. In respect of breaches of law, rules and regulations, which do not amount to criminal conduct, after investigations, the Inspectorate of Government makes recommendations for administrative action.

Article 225 of the Constitution provides for the functions of the office of the IG. Article 225(e) provides that the IG shall ***"investigate any act, omission, advice, decision or recommendation by a public officer or any other authority to which this article applies, taken, made, given or done in exercise of administrative functions"***

Article 230 (1) of the Constitution has bestowed on the Inspectorate special powers to strengthen its authority and for efficiency in carrying out this function. It provides that:

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

In the reporting period, the Inspectorate of Government handled a total of **6,267** complaints, of which **1,718** have been completed. In the same period, the Inspectorate of Government has made **fifty (50) arrests**, of which **forty eight** were **charged** and are under prosecution. The Inspectorate has a total of **ninety (90) on-going prosecutions**, some having been carried forward from the previous reporting period. There have been **eleven (11) convictions** and **two (2) acquittals** for offences involving corruption and abuse of office prosecuted by the Inspectorate; while there are **sixteen (16) pending appeals**.

The Inspectorate of Government has also recovered over **Uganda Shillings One Hundred Two Million, Sixty Thousand, One Hundred Eighty Nine (UGX 102,060,189/=)** of illicitly obtained riches and embezzled funds and saved **Uganda Shillings One Billion Two Hundred Sixteen Million, Five Hundred Thirty Eight Thousand, Nine Hundred Thirteen (UGX 1,216,538,913/=)** as a result of investigations.

2.4 International Relations

In this era of globalization, the world has often been described as a global village, and the corrupt have quickly adapted to the available terrain. The international sphere not only gives the corrupt a bigger field of play, but also a greater expanse to hide the ill-gotten loot, crossing jurisdictions; and making it practically impossible to trace, let alone recover proceeds of corruption. In summary, we can conclude that the corrupt have also globalised their practice. It is necessary, therefore, to tackle the problem with international tools.

To address the problem above, the Inspectorate of Government has spearheaded the drive by the Government of Uganda to subscribe to various international instruments that are crucial to address cross-border corruption. The following are the instruments that Uganda subscribes to:

(a) The United Nations Convention against Corruption

Uganda is one of the 142 signatories to the UN Convention against Corruption, and should enjoy the benefits of cooperation with other states to track and recover proceeds of corruption, where the perpetrators have attempted concealment by taking the ill-gotten wealth out of the local jurisdiction, and therefore out of the clutches of the anti-corruption agency that would be best placed to take action.

(b) The African Union Convention on Preventing and Combating Corruption

Uganda is also a signatory to the **African Union Convention on Preventing and Combating Corruption**, which was ratified on 29th October 2004, and is obligated to prevent, detect, punish and eradicate corruption. This Convention also provides for both bi-lateral and multi-lateral cooperation in striving to achieve its objectives of elimination of corruption in the member states.

(c) The International Association of Prosecutors

The Inspectorate of Government has also been admitted to the International Association of Prosecutors. The **International Association of Prosecutors, (IAP)** is the only global non-governmental organisation of prosecutors, established by the United Nations in 1995, in Vienna. It was established due to rapid growth in transnational crime including corruption, money laundering and fraud. The organisation consists of about 200,000 members from over 120 states. The membership will go a long way in aiding the Inspectorate of Government in combating transnational corruption.

Although they are not as easily enforceable as the national law, these international instruments are important because they augment the provisions of the domestic law, thereby strengthening it, by providing a platform that will enable the anti corruption agency to stretch its reach beyond the traditional jurisdiction, beyond national borders and into hitherto untouchable territories. They drastically reduce the places where the corrupt have safe haven.

2.5 Participation in the UNCAC Implementation Review Group

The Inspectorate of Government, as part of the Uganda Government delegation, has been participating in the Implementation review Group, aimed at assessing how compliant State-Parties are, in the implementation of the Convention's provisions. The Inspectorate of Government is also a part of the Government Experts from Uganda that will, together with the Experts from the United Republic of Tanzania, review Togo within this year. Further, the Inspectorate of Government is participating in the preparation of the self assessment of Uganda's implementation of the Convention, in view of being reviewed this year by Romania and Ghana.

2.6 New Legislation

Uganda was reported to have some of the best anti-corruption laws in the world, scoring 99% in terms of the anti-corruption legislation in the Global Integrity Report, 2009. Global Integrity is an independent non-profit information provider, tracking governance and corruption worldwide. The Inspectorate of Government recognises that legislation should not be static, but continue to evolve and improve. In conjunction with the Directorate of Ethics and Integrity in the Office of the President, the Inspectorate spearheaded the campaign for the Whistleblowers Act, 2010; which has now been enacted. The importance of whistleblowers in the fight against corruption cannot be over-emphasized.

3 CHALLENGES

In execution of its mandate, the Inspectorate of Government faces the following challenges:

3.1.1 Inadequate Resources

The capacity of the institution to fight corruption is not commensurate to the challenges posed by the vice, as the resource basket assigned to it is meagre. The inadequacy of logistical resources is the leading cause of backlog in the institution's mandate to fight corruption, enhancing the perception that there is no will to fight the scourge. As a consequence, Uganda is now perceived to have the largest implementation gap in the region, due to weak enforcement of the laws.

3.1.2 Inadequate Capacity

In tandem with the resource constraints, the human resource capacity of the institution meant to fight corruption does not match that of the practitioners of corruption, in the various devices they contrive to steal public resources. Training and motivation for the Inspectorate Staff has been lacking, but steps have been taken to address the problem by improving the terms and condition of service of staff, and putting more emphasis on training.

3.1.3 Weak Public Support

Article 17 (1) (i) of the Constitution of the Republic of Uganda, 1995, makes it the duty of every citizen to combat corruption and the misuse or wastage of public property. However, instead of the above, the attitude of the general public towards corruption in Uganda is an obstacle in the fight against corruption. According to the 3rd National Integrity Survey of the Inspectorate of Government, conducted in 2008, corruption has become an accepted way of life, where rich people are regarded as heroes, regardless of the fact that their wealth may be ill-gotten. The poor or not-so-wealthy officials in positions of note are vilified as not being developmental.

3.1.4 Public fear of offending perpetrators and/or fear of reprisal

The National Integrity Survey, 2008 found that after lack of knowledge of corrupt transactions, fear of offending the perpetrators (19.8%) and fear of reprisals (15.1%) were the main reasons given for not reporting corruption. This general fear of the public to be associated with the fight against corruption has greatly hindered the performance of the Anti-Corruption agencies, and directly translates into an apparent lack of public support for the fight against corruption.

3.1.5 Legal Obstacles

Several recent decisions by the Courts of Judicature in Uganda have had the net effect of reducing the powers of the Inspectorate of Government, to wit:

3.1.5.1 The Ken Lukyamuzi Case:

This judgment rendered the enforcement of the leadership code of conduct by the Inspectorate of Government impotent by stating that the Inspectorate could not enforce the leadership code of conduct in the absence of the Leadership Code Tribunal, provided for under Article 235A of the Constitution. Since the Parliament has not yet enacted the law establishing the Tribunal, the enforcement of the code, a key tool in the fight against the corruption, shall be hampered by the decision.

3.1.5.2 The Gordon Ssentiba (Nytil) Case:

In the Country Report at the previous AGM, it was reported that the Inspectorate of Government had set up a fully fledged Civil Litigation Unit, to defend decisions or actions in Court. However, the Supreme Court of Uganda, in its judgment in this case held that the Inspectorate of Government has no power to sue or be sued. The result is that the defence of the Inspectorate's work in civil matters is left in the hands of individuals that may not fully appreciate our work methods and may not be fully committed to our cause, since they are subjects of our investigations from time to time.

The Inspectorate may not wholly agree with the decisions made, but for the time being, we have to abide by them, until opportunity arises for their Lordships to be requested to reconsider their position.

4 CONCLUSION

The World Economic Forum's Global Competitiveness Report, 2010, listed corruption and related mismanagement as one of the top hindrances to doing business in East Africa. Poverty and unemployment have been cited as the spark of civil strife and unrest in many places. Most of our countries in East Africa have suffered civil strife. It is our duty, being the agencies at the vanguard of the fight against corruption, to ensure that we adopt and push the 'Zero-tolerance to Corruption' position as far as we can, in order to have a harmonious and prosperous society.