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BILINGUAL NEWSLETTER- ENGLISH

WORKING VISIT OF THE DIRECTOR GENERAL OF UNAFRI TO THE MINISTRY OF JUSTICE IN ZAMBIA

NEWSLETTER

JANUARY-MARCH 2024

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**UNITED NATIONS AFRICAN INSTITUTE FOR THE PREVENTION OF CRIME
AND THE TREATMENT OF OFFENDERS (UNAFRI)**

“Empowering African States for crime prevention and criminal justice to ensure sustainable development”.

“Renforcer la capacité des États africains dans la prévention du crime et la justice pénale pour assurer un développement durable”.

«Fortalecer la capacidad de los Estados africanos en materia de prevención del delito y justicia penal para el desarrollo sostenible»

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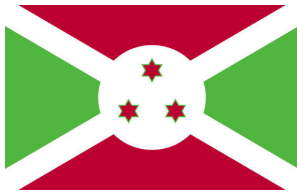
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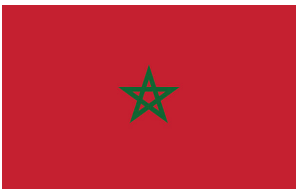
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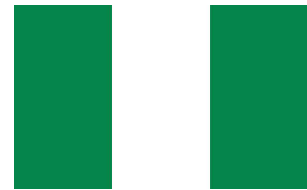
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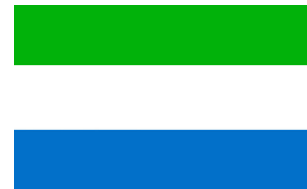
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THE PERMANENT SECRETARY OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ZAMBIA MS. MWENYA KAELA BWALYA RECEIVES THE DIRECTOR GENERAL OF UNAFRI

On February 21, 2024, the Director General of UNAFRI, Dr KITIO Édouard, travelled to Lusaka, Zambia for a working visit to the Ministry of Justice. This visit followed the recommendations of the last Ordinary Session of the UNAFRI Governing Board held in Addis Ababa (Ethiopia) from October 2 to 3, 2023, inviting the Director General to undertake close contacts with States members in order to revitalize the activities of the Institute.

Due to his very busy schedule, the Minister of Justice was represented at the working session by his Permanent Secretary, Ms. MWENYA KAELA BWALYA assisted by her closest collaborators. After the introductions, the Permanent Secretary took the floor to welcome the Director General of UNAFRI before inviting him to explain the reasons for the visit.

Subsequently, the Director General thanked the Minister of Justice for promptly organizing his visit to Lusaka following his request to this effect. He added that this swift response is evident that Zambia attaches importance to the Institute. The Director General also expressed his gratitude to the Minister for having appointed Ms. Monica Chipanta Mwasu, Deputy Director General of the National Anti-Corruption Commission, as a new member of the Technical Advisory Committee (TAC) of UNAFRI. Simultaneously, the Director General commended the efforts made by Mr. Tchikalanga, Director of Governance at the Ministry of Justice, to participate in the activities of the Institute whenever he was called upon, as a member of TAC. He hoped that this perfect collaboration could continue with Mrs. Monica Chipanta Mwasu in monitoring the activities of the Institute and holding its statutory meetings.



Afterward, the Director General got to the heart of the matter by recalling the missions of the Institute as they result from its organic texts and their importance for maintaining peace, security and respect for citizens' rights. He recalled that some of the Institute's missions are not carried out due to insufficient support from member States and International Organizations yet, UNAFRI being the only Institute responsible for crime prevention and criminal justice in Africa, its capacities should be strengthened so that it can effectively play its role for the benefit of member States.

For this reason, the Director General, while welcoming Zambia's support in the pressure group of African States within the Third Committee of the United Nations which financially supports the Institute, insisted on Zambia's payment of its annual financial contributions. He deplored the fact that some regional institutes carry out their programs in Africa with African experts, thus showing that UNAFRI does not sufficiently cover its space due to the funding gap. All this requires increased support from the 28 member States so that UNAFRI can stand out as a leading Institute in crime prevention and criminal justice on the African Continent.

After listening attentively to the Director General, the Permanent Secretary of the Ministry of Justice of the Republic of Zambia lauded the efforts of the new governance of the Institute for its righting. She acknowledged that the Republic of Zambia has not set a good example in the payment of its financial contributions due to financial constraints linked to the international conjuncture. However, she observed that considering the highly commendable objectives of the Institute, it is high time that Zambia adopts a new stance by making efforts to pay its financial contributions arrears. To this end, she promised that the payment of Zambia's contribution

arrears will be effective from 2025. This payment in 2025 rather than 2024, comes from the fact that the program budget of the year 2024 has already been developed and adopted.

Addressing Zambia's challenges in terms of crime, the Permanent Secretary emphasized cybercrime and invited UNAFRI not to hesitate to invite criminal law enforcement officials in Zambia to related training sessions. She further proposed that UNAFRI could organize another meeting perhaps via videoconferencing with criminal law enforcement officials in Zambia to identify other priority areas for training and research programmes.

Concerning the collection of criminal data as part of the creation by UNAFRI of a regional database, the Permanent Secretary noted that this subject involves several administrations and requires more in-depth consultations for greater efficiency. Possible solutions could be explored during meetings between UNAFRI and the officials concerned.

After the discussions, the Director General thanked the Permanent Secretary once again for her availability and requested her to convey his deep gratitude to the Minister of Justice for his commitment to further support the Institute through the payment of their financial contributions. The meeting ended on a note of satisfaction followed by family photos.

This visit to Zambia marks the beginning of a series of visits that the Director General of UNAFRI will make to several member States with a view to raising awareness and seeking more support to develop the activities of the Institute in accordance with its new strategic plan.

PRESIDENT MUSEVENI OFFERS SOLUTION TO REFUGEE CRISIS



**H.E YOWERI KAGUTA MUSEVENI THE PRESIDENT
OF THE REPUBLIC OF UGANDA**

President Museveni spoke about the refugee crisis on Wednesday December 13, 2023 at the Global Refugee Forum in Geneva. His speech on this occasion was read by the Prime Minister Mrs. Robinah Nabbanja.

On behalf of the Government of Uganda, one of the five Co-conveners of the Global Refugee Forum-2023 and on my own behalf, I wish to thank the Government of Switzerland and the United Nations High Commissioner for Refugees (UNHCR), for hosting this big Forum. This international gathering on refugees has been convened at an opportune moment. I know that millions of people, in every continent, are optimistic about the resolutions, which will emerge from the deliberations at this Forum.

Our experience, in the modern time, has proved that no country; big or small, rich or poor, weak or powerful, is immune to the

ravaging effects of the refugee crisis. This crisis continues to grow in magnitude and intensity. **It is, therefore, symptomatic of a troubled world.**

We must learn to prioritize our common interests above the superficial differences, in color, tribe, gender, religion, political affiliations etc.

Human conflicts remain a major trigger in precipitating the phenomenon of Refugees and Internally Displaced People. According to the UNHCR, over 100 million people have been forcefully uprooted from their native lands, on account of armed conflicts.

This translates into dire humanitarian crises, such as famine and outbreak of communicable diseases.

Addressing you from the standpoint of Uganda's unique experience, in grappling with these challenges of refugees and Internally Displaced People, I wish to inform you that in 1986, when the NRM Government came to power, 500,000 Ugandans had fled to Sudan and Zaire (DR Congo).

They had run away for fear of reprisals from the then Army; they were said to be Idi Amin's sympathizers. They all came from West Nile, Amin's home place. Uganda was number four in the export of refugees after Afghanistan, Cambodia and Ethiopia. As you all know, Uganda has become a shining example of what is possible when we prioritize humanity over fear, compassion over division and solidarity over indifference.

One may, therefore, ask, "How did Uganda move from being the fourth world exporter of refugees, to now fourth, in the world, as a Refugee Hosting Country and the first in Africa? How did the last become the first?"

The lesson from Uganda's experience is that the solution to the refugee problem is democracy and creating stable living conditions in every country.

Establishing conditions of security, peace and democracy is the cure to the Global Refugee Crisis. Only this can remove the phenomenon of refugees. When the NRM took overpower, in Uganda, we went out and persuaded all Ugandans in exile to return home and even helped them to settle down.

We had to do this. It was not a privilege we were extending to them. We were obliged to bring them home and remove their fears.

Therefore, we should stabilize political conditions in most of our countries so that there is no need

for anybody to be a refugee, on account of politics. Poverty and natural disasters also create desperate conditions that force people to flee their homelands.

Uganda is currently a host to 1.5 million refugees, majority of whom are from South Sudan (473,638), DR Congo (258,883), Somalia (21,633), Burundi (20,579) and Eritrea (19,328).

As you may observe, these are our African brothers and sisters, who find themselves victims of sectarian persecution, occasioned by the ideological disorientation of some groups relying on undisciplined and criminal armies or militias.

Accepting African refugees is part of the solidarity with our African brothers and sisters. However, it is also a component of our Pan-Africanist strategy to work for the unity of Africa in order to ensure our prosperity and that of our African brothers and sisters.

Therefore, Uganda caring for the African refugees that are brought here by adversity is not just charity. It is also good strategy. Uganda's open-door policy is not merely a policy. It is a reflection of our people's unwavering commitment to the principle of "Ubuntu" or Humanity.

I however, wish to point out that in our willingness to host refugees, we face resource constraints when it comes to looking after their welfare within our borders. Enormous strain has been placed on our meager economic resources.

The refugees come with understandable human needs for feeding, clothing, shelter, clean water and water for production, education and skills. These are critical needs that must be addressed by all concerned stakeholders. They should not be left to the host countries. Therefore, we call upon all partners to join hands in upholding the human rights of refugees. We need comprehensive and coordinated efforts that prioritize humanity above politics, that value compassion over indifference. It is also crucial that we prioritize



programs geared towards empowering the refugees to be self-reliant. We must help them to turn their time in exile into an advantage by learning a skill that can transform them into productive members of society.

Lastly, it is critical, especially on the African continent, that we accelerate the process of political and economic integration. Most of the new and old conflicts that continue to exacerbate the refugee crisis are occasioned by opportunists and parasites, exploiting weaknesses in governance.

These weaknesses can be wiped out, once we form a strong supranational Government, which is able to counter all threats against our sovereignty and economic interests. Therefore, I appeal to my African brothers and sisters to take full responsibility for their situations by constructing a powerful political unit capable of eliminating cracks of weakness. It should not be fashionable for Africa to be a theater of humanitarian crises, one after another. We have a potent cure to the misery and suffering of our people.

Additionally, economic integration is the answer to aspirations for greater wealth and prosperity.

The Americans, Asians and Europeans have effectively utilized the principle of unity, despite the great disparities which exist among them, to build powerful economic and political entities.

Our chief interest should be to secure the survival and prosperity of our children and their children. There is no better guarantee for their future than working towards the political and economic integration of Africa.

It is disturbing to observe a proud and ancient group of people - the Africans - maintain a status of helplessness and surviving on the whims and mercy of other people, in the form of charity and aid.

Therefore, let us resolve to strengthen our political and economic posture through integration. This will eliminate the senseless cycle of conflicts, which churn out refugees on our continent.

I thank you.

**H.E. YOWERI KAGUTA MUSEVENI
PRESIDENT OF THE REPUBLIC OF UGANDA**



THE NON ALIGNED MOVEMENT FOCUS ON CRIME PREVENTION AND CRIMINAL JUSTICE.



THE KAMPALA DECLARATION OPENING UP TO TRANSFORMATIVE STRATEGIES AND INDIGENOUS INNOVATIONS TOWARDS THE ACHIEVEMENT OF SUSTAINED DEVELOPMENT

The genesis of the philosophy of non-alignment can be traced to the significance of deliberate decisions by a group of nations which chose to respect their sovereignty particularly in a world of constantly emerging and conflicting views on peace, stability, security and socio-economic development. Since the end of World War II the world has been polarised into two blocks, East and West.

The Non-Aligned Movement (NAM) is a forum of 120 countries that are not formally aligned with or against any major power bloc. It was founded with the view to advancing interests of developing countries. After the United Nations, NAM became the largest grouping of states worldwide. With time, the non-aligned movement grew into a political force with a direct influence on the international relations of the world.

NAM has made efforts in promoting peace and security, including addressing socio-economic challenges among its member countries and in influencing global responses to such socio-economic challenges. It continues to participate with some success regarding resolution of conflicts and

influencing the toning down of belligerent rhetoric in various regions of the world. NAM has also been a major participant in regional efforts aimed at promoting disarmament, nuclear non-proliferation, and arms control. As a result of its independent nature of thought, it is the international forum of choice for important new ideas, analysis, and debate, free of bias, on the emerging global issues, purposed to influence and shape the political dialogue for months and years to come.

As NAM states look to insulate themselves from great power competition and the influence therefrom, they hold regular summit sessions and interface with relevant stakeholders in their attempts to resolve issues of regional or international concern. Their summit sessions are held every two years. The 19th and latest summit was held in Kampala, Uganda 19-20 January 2024. This summit was held concurrently with the summit of the Group of seventy- seven, G77+China. The President of Uganda, General Yoweri Kaguta Museveni was elected to chair the NAM and G77 for the two years.



The Group of 77 (G-77) is the largest intergovernmental group of emerging countries in the United Nations. The group was established in 1964 and is now made up of more than 130 different nations. Its goal is to help its members to promote their collective economic interests; create an enhanced joint negotiating capacity and foster cooperation among developing economies in the Global South. The G-77 has offices around the world and meets annually at the UN in New York. The Group integrates the prevention of transnational organised crime as a cross cutting issue into all social and economic policies, public health and programmes including employment, education, housing and urban planning, justice system and social services. Its weight against crime, is an additional input onto the comprehensive network of agencies mandated to fight crime.

Whereas it may be true that NAM countries can benefit from their neutrality and their approach, there is a view that “fence sitting” and neutral geopolitical positions amid great power rivalry should never be an excuse for refusing to act, or even speak out, against violations of the most fundamental laws and norms of our current international order.

The Kampala declaration addressed the regional imbalances in trade and development, conflict and gender concerns, reaffirming collective commitment to the promotion and protection of human rights, which are universal, indivisible, interdependent and interrelated in accordance with international commitments and domestic laws. The declaration expressed commitment of NAM in joining efforts to combat all forms of violence against women and girls. The Declaration reaffirmed commitment to

promote respect for the UN Charter and international law, with proposals for reforms in the composition of the Security Council to make it more democratic, transparent and representative of the UN. Importantly, the Declaration called for the intensification of the ongoing process of cooperation between the UN and relevant regional and sub regional organisations, arrangements or agencies which can contribute to the maintenance of international peace and security and to the attainment of sustainable development.

The Declaration condemned terrorism in all its forms; committed to taking measures to eradicate poverty in all its forms, reinforcing the agricultural sector to combat food insecurity, provide avenues for transfer of technology and enhance investment in harvest technology, aiming at attracting at least \$1 billion in foreign investments to cover the impact of covid on the economy and relevant infrastructure. This would help provide jobs for the youth and mitigate unemployment which is a causative factor of civil upheavals and radicalisation. The Declaration addressed the plight of migrant populations and committed to protect the rights of migrants in accordance with international law. It called for an end to trafficking in persons, emphasising the need to address causative factors.

The concerns of NAM in Kampala reflect the global concern for civility and sustained peace all over the world. The Non-Aligned Movement has identified economic underdevelopment, poverty, and social injustices as growing threats to peace and security. These concerns also point towards the true effect of turbulence in regions across continents. Focusing on opportunities and strategies to end conflicts is rooted in the need for provision of space for dialogue - peaceful resolution of conflicts, respecting the views from combatants and building consensus to replace competitive views. The desire for strengthened in-house arrangements between nations in a South to South initiative is a recognition of the potential within nations of a similar level of development to address their concerns based on the realities of each region and state. This will help to contain and de-escalate

unnecessary tensions which would arise due to foreign interests being released into local conflicts.

In the ensuing one-to-one discussions with the Secretary General of the UN, the President of Uganda, Gen Yoweri Museveni expressed gratitude to the UN for embracing the proposal of Uganda and other African countries to receive support from the international community in handling security matters on the continent. The Secretary General commended Uganda for its crucial role in peacekeeping and ensuring stability in the Great Lakes region, as well its inclusive humanitarian refugee policy.

The Declaration is a tribute to indigenous innovations in handling all the affairs of the regions where there are concerns for security, disaster responses and post-disaster management, climate change, terrorism, poverty eradication, gender concerns, conflict resolution, insecurity and socio-economic development. The recognition of regional institutions in maintenance of peace, security and achievement of sustained development is further endorsement of the mandate of UNAFRI and partner agencies in crime prevention and criminal justice. Through the Declaration of NAM, UNAFRI is enjoined further to develop effective strategies, practical tools and techniques to identify, develop, plan, control and implement programmes and projects which are aligned to international cooperation, featuring activities aimed at supporting people in need and promoting economic, social and cultural development around the globe. International cooperation fosters economic prosperity by promoting trade, investment, and economic stability. It helps to strengthen alliances and other relationships with institutions; developing capacity to act collectively; promote international legitimacy in coalition operations and ensure access to the best global practices.

The Kampala declaration gives Africa hope for effective crime prevention.

LEGAL ASSISTANCE: AN IMPERATIVE FOR ACCESS TO JUSTICE FOR DISADVANTAGED GROUPS

Several options for legal representation are available to those suspected or accused of a criminal offence, with an emphasis on providing services to poor or indigent persons/defendants.

As general information on legal assistance, the UNAFRI Secretariat offers readers of its Newsletter an extract from the brilliant introduction to the work published by UNODC in 2008 on the title:

“UNODC - ACCESS TO JUSTICE - Legal defence and assistance - Compilation of criminal justice assessment tools, United Nations, New York, 2008”

Excerpt from the introduction to the book

“... Access to justice is, as many instruments show, essential to the protection of human rights. Making justice a fundamental right, the Universal Declaration of Human Rights enshrines the principles of equality before the law, the presumption of innocence, and the right to a fair and public trial by an independent and impartial tribunal, to which are added all the guarantees necessary for the defence of anyone accused of a criminal

offence. Article 14 of the International Covenant on Civil and Political Rights grants, among other minimum guarantees, the right to be tried without delay, the right to a fair and public trial by a competent, independent and impartial tribunal established by law, and the right “to be present at the trial and to defend oneself or to have the assistance of a defender of one’s choice; if one does not have a defender, to be informed of his or her right to have one, and, whenever the interests of justice require it, to be automatically assigned a defender, without costs” as well as the right “to have the time and facilities necessary to prepare his defence and to communicate with the counsel of his choice”. The Set of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment provides that a detainee must be able to obtain assistance from counsel, while the Standard Minimum Rules for the Treatment of Detainees recommends providing legal assistance to detainees awaiting trial.

“These instruments state that when a person’s fundamental rights to liberty and life are threatened by the State, that person may, to ensure that the State complies with the burdens and obligations imposed on it by law and



does not violate their rights, seek legal assistance. Thus, the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted, in 1990, the Basic Principles Relating to the Role of the Bar, the first of which states that “any person may appeal to a lawyer of her choice to protect and assert her rights and to defend her at all stages of criminal proceedings”. The principles also require public authorities and the judiciary to guarantee everyone, regardless of their means or social origin and by virtue of the right to equality before the law, access to a lawyer. The public authorities must, therefore, when the accused does not have the means finance their legal representation.

“In many countries, the right to a lawyer at least at one point in criminal proceedings has long been enshrined in law or the Constitution, even if only for the most serious offences. The extent to which, citizens are aware of this right or their other civil rights and of the possibility of exercising these rights varies greatly. The provision of legal services to accused persons/defendants in criminal cases can also vary greatly in the same country depending on where the person lives, the resources available to them and the mechanisms (designation system, contractual system, legal service). Legal assistance or a combination of the three which are in place to provide this assistance.

“The quality of legal representation also depends on several factors: the competence of lawyers, the number of competent lawyers, the quality of their training, their workload, the extent to which the duties and obligations of a robust ethical system and disciplinary measures are respected, and whether the criminal justice system has allowed corrupt practices to undermine the rule of law.

“What also hampers the most dedicated and respectable lawyers who work on behalf of the poor is the chronic underfunding of their legal services, even though it is considered essential by international human rights instruments and, often, by national constitutions. Few legislators, faced with an electorate generally in favour of law and order, will propose, as a budgetary priority, increasing funding for legal representation of indigent defendants. These lawyers, therefore, are generally paid less than their judicial and prosecutorial counterparts and often have excessive workloads, which compromise their ability to provide diligent and effective representation of their clients. These economic constraints can also lead

them, yielding to pressure, to modify their defence, to challenge only flagrant violations of the law and, in the worst cases, to practice corruption, including by paying judges, prosecutors or police officers. Even when they do not resort to this type of conduct, their status and effectiveness in court may be diminished by a lack of resources. This is contrary to the concept of equality of arms, a fundamental principle of justice inherent in the law to a fair trial, according to which, for the procedure to be fair and equitable, it is necessary that the prosecution and the defence have approximately equivalent means to investigate, prepare and present their cases. If they do not have enough resources or time to investigate a case independently and the prosecution does not give them access to the evidence it intends to use sufficiently in advance to enable them to prepare a defence, even the most conscientious and dedicated lawyer will not be able to provide effective legal assistance.

“Moreover, because lawyers represent people accused of crimes, the public tends to associate them with this negative behaviour rather than with protecting the rights to liberty and justice, even when it appears that innocent citizens were wrongly accused. In addition, their defence function tends to expose them during periods of political and social unrest. As a result, they may even be exposed to physical risks. The response of the public and authorities to grant protection is generally less automatic than it would be if a judge or prosecutor were threatened. The Basic Principles state that lawyers must be able to practice without interference, restrictions, threats or intimidation from public authorities. In some countries, however, they regularly face this type of difficulty. Some even pay with their freedom, or even with their lives, for their actions.

“It will be necessary to assess the quality of legal assistance guaranteed by international rules and standards and the extent to which accused persons/defendants benefit from it in criminal cases and to develop technical assistance activities that strengthen the capacity of lawyers to defend the poor, evaluate the problems that arise both in the judicial profession and in the mechanisms of legal representation of the poor...”

FOSTERING COMPLEMENTARITY THROUGH CAPACITY BUILDING AND COOPERATION THE CURRENT SITUATION OF CRIMINAL JUSTICE SYSTEMS IN AFRICAN COUNTRIES AND THE IMPORTANCE OF CAPACITY BUILDING ACTIVITIES THEREON



MUNANURA ANDREW KAROKORA
LEGAL AND TRAINING CONSULTANT UNAFRI

Introduction

UNAFRI is the United Nations African Institute for the Prevention of Crime and Treatment of Offenders (UNAFRI). It is one of the UN's program network Institutes (PNI's). Its membership is open to all states of the United Nations Economic Commission for Africa. Of the 54 African countries that are members of the Commission, 28 have signed the statute of the Institute. The core mandate and niche of UNAFRI is to conduct specialized training program based on the findings of action-oriented research for personnel in crime prevention and criminal justice in Africa.

The ICC is a permanent International criminal court established by treaty to hold accountable those responsible for egregious violations of international humanitarian law – including genocide, war crimes, crimes against humanity and crimes of aggression.

Under the principle of Complementarity, the ICC may only exercise jurisdiction when the national legal systems fail to do so or when it's demonstrated that they are unwilling or unable to carry out proceedings genuinely.

This paper will examine the current situation of African country's criminal justice systems and the capacity-building measures that could be undertaken to improve their performance.

The criminal justice systems in different African countries are an amalgamation of agencies and departments of government sequentially involved in law enforcement, prosecution, judgement, sentencing, and administration of correctional program.

The Current Situation and Capacity Building Areas:

Generically speaking, many African states have weak, spineless or corruptible judiciaries and institutions that often lack the competence to handle complex litigation and bring perpetrators of atrocities to justice. The commonly recognized principles that define the independence of the judiciary are regularly undermined in Africa, including the politicization of judicial appointees, executive overreach, and failure of constitutions to specify the independence of the judiciary explicitly.

The other big challenge is the poor coordination of the numerous institutions, processes and actions of the criminal justice sector players. As a result, the various agencies often operate at cross-purposes and produce contradictory results. This causes inconvenience, time-consuming processes, duplication, contradictory results, and loss of important information about targeted offenders.

Further challenges are experiences in the trial processes, especially the ICC pre-trial procedures, which are unfamiliar to most African jurisdictions. the pre-trial processes of crime, the magnitude of which falls under the ICC, are tedious, voluminous and time-consuming since they involve crimes on a large scale. Processing evidence, tallying and synchronizing it to form cogent proof is arduous and expensive. To address this challenge, we propose that since the ICC has expertise in the ICC proceedings, it could provide

the judges and lawyers to train sector players subject to the provision of resources, including logistics and funding from international players or state parties to the ICC.

Most of the challenges cited above are usually complicated by corrupt practices among criminal justice sector players, including investigators 'inability to be mindful of the material evidence, especially that collected by forensic investigation and management of cases records. Most African criminal trials collapse or are abandoned due to poor-quality evidence. Problems of this nature can best be addressed by training investigators using experts from institutions like UNAFEI, UNAFRI and state parties. This would, in turn reduce or stop prosecutors from outsourcing investigations to local intermediaries and over relying on western investigators with little or no experience in the areas where they operate.

Also, capacity building in this area must address the sector player's ineffectiveness, corruption and repressive traits. Again, these are issues institutions like UNAFRI and UNAFEI can assess and address through training to align sector players with international best practices, analysis of evidence in complex cases, preparation of indictments in complex cases, etc.

Extradition and Mutual Legal Assistance: Some criminal prosecutions involve the extradition proceedings and processes in complex cases where an African convention on extradition and mutual legal assistance is non-existent. UNAFRI has worked on one; however, due to budgetary constraints, it's pending updating and submission for approval by the AU. Institutions like UNAFRI, UNAFEI, U, or state parties to the ICC can provide training per the needs of the African nations.

The lack of victim and witness protection programs in most African countries remains a big problem. Issues of concern include the disappearance of witnesses, recanting of evidence, hostile witnesses or witnesses who are accountable to accused persons. The absence of legislation on witness protection and legal aid for indigent persons can be addressed by sensitization of members of the legislature, political leaders and civil society organizations. Again, institutions like UNAFEI and UNAFRI can handle this task by

conducting regular advocacy sensitization seminars and workshops to help Governments appreciate the benefits of witness protection and legal aid laws.

Expand Crimes adjudicated upon by state parties:

Finally, we propose that the crimes adjudicated by the ICC should include sexual terrorism. The examples of the Aboke girls abducted in Uganda by the Lord Resistance Army (LRA) and the Chibok school girls abducted by Boko Haram in Nigeria justify the inclusion of the crime. State parties to the ICC should amend their laws to criminalize sex terrorism as an act of terrorism or to make sex terrorism a war crime since it is a prevalent form of terrorism that is gender-BASED.

In conclusion, on the whole, domestic investigations and prosecutions of international crimes continue to show promising signs in Africa despite all the setbacks and challenges, and the involvement of institutions like UNAFRI and UNAFEI in capacity-building efforts will go a long way in improving the situation.

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BURKINA FASO LAUNCHES INTENSIVE CAMPAIGN AGAINST SMUGGLING: RECENT SEIZURES OF CIGARETTES, CYANIDE, AND PROHIBITED MEDICINES

By Sandra Karugu Consultant, UNAFRI 2023

Burkina Faso's President Ibrahim Traoré has recently initiated a broad campaign against smuggling, aiming to protect public health, state finances, and the informal market, which negatively impacts the local economy (Raoul Hetinnon, 2023).

Local authorities have intensified their efforts to combat this menace, implementing effective strategies to detect and seize illicit products circulating within the territory. These products are a major concern for Burkinabe authorities as they are not only of inferior quality but also pose a threat to consumer health and result in a substantial loss of tax revenue.

Recently, in a joint effort with the national police, Burkina Faso's customs conducted a successful operation resulting in the seizure of significant quantities of unauthorized cigarettes (890 cartons), cyanide (5 sacks), and prohibited medicines (818 boxes), with a total value of approximately FCFA 300,000,000. This seizure

occurred just a month after the seizures of a substantial amount of cyanide (348 tons) valued at around FCFA 500,000,000. Illicit cyanide trafficking is particularly concerning due to its potentially dangerous use, including involvement in illegal activities such as clandestine mining.

Despite the successes in the fight against smuggling in Burkina Faso, persistent challenges remain. Criminal networks constantly adapt their methods to evade authorities, necessitating continuous vigilance and a readjustment of response mechanisms.

It's worth mentioning that private sector actors are also involved in the informal economy and smuggling activities in Burkina Faso. Influential businessmen, maintaining close ties with high-level politicians, have been associated with tobacco smuggling. Additionally, small private actors, including sellers, are involved in cyanide smuggling, which has become a major concern due to the rapid expansion of artisanal and small-



scale gold mining in the country (ocindex.net/Burkina-Faso/2023).

Possible Solutions:

1. President Ibrahim Traoré advocates for the establishment of legal channels for previously illegally imported products to stimulate the formal economy while providing legal alternatives to consumers (Raoul Hetinon, 2023). Promoting the formal economy and encouraging legal regional trade is a necessary and essential action to reduce dependence on smuggling. Simplifying trade procedures, reducing administrative barriers, and supporting legally operating businesses stimulate lawful trade. By strengthening regional economic ties, Sahelian countries can decrease the demand for smuggled products.
2. Increased public awareness of the dangers and consequences of smuggling is a powerful tool in the fight against this menace. Educational campaigns aimed at informing local communities about the harmful effects of smuggling, particularly on public health, safety, and the economy, are essential to garner public support and reduce the demand for smuggled products.
3. Moreover, strengthening border control capabilities is essential. Investing in the training of customs officers and providing them with modern detection tools, such as X-ray scanners and drone surveillance systems, enhances the ability to detect and intercept illicit shipments. Transboundary cooperation is also crucial for exchanging information and conducting joint operations against smuggling networks.
4. The integration of advanced technologies, such as blockchain, allows for tracing the movement of products across borders. This makes it difficult for smugglers to conceal their activities, enhancing transparency and facilitating the detection of illicit goods. Furthermore, the application of artificial intelligence in analyzing smuggling patterns improves prevention and response capabilities.
5. As Burkina Faso serves as both a destination and transit country for illegal goods from foreign countries, collaboration with international and regional partners is indispensable. Cooperation agreements to exchange information, share best practices, and coordinate actions among Sahelian countries strengthen the fight against smuggling on a broader scale.
6. In conclusion, combating smuggling in Burkina Faso and the Sahel region as a whole requires a holistic approach that integrates border reinforcement, the use of innovative technologies, structural transformation of the economy by promoting the formal economy over the informal economy, awareness campaigns, and regional and international cooperation. Only concerted and coordinated efforts across these areas will effectively reduce this menace and foster an environment conducive to economic growth and security in the Sahel region.

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UGANDA ANNUAL CRIME REPORT 2023: “A MIXED PICTURE OF PROGRESS AND CHALLENGES”

The recently released Uganda Annual Crime Report for 2023 provides insights into the state of law enforcement and criminal justice in the country. While there is a modest **decrease of 1.5%** in the total number of reported crimes compared to the previous year, the report also highlights areas of concern, notably the rise in mob justice cases.

According to the report, the total number of crimes reported to the police decreased slightly from **231,653** cases reported in 2022 to **228,074** cases in 2023. This reduction may indicate some improvement in overall law enforcement efforts. However, it's essential to delve deeper into the statistics to understand the dynamics at play.

Out of the total reported cases, **84,907** were taken to court, demonstrating an increase in the prosecution of crimes compared to previous years. In fact, in 2022, **68,405** cases were prosecuted and **65,008** cases in 2021 showing a significant improvement. This uptick in cases brought to court suggests enhanced efforts in criminal investigations and a more robust legal system.

The Inspector General of Police, Martins Okoth-Ochola, attributes this progress to several factors, including improved coordination among security agencies, the reorganization of the Criminal Investigations Directorate (CID), and the adoption of more effective detection and investigation methods. The establishment of proactive intelligence networks and partnerships with communities has also played a

crucial role in disrupting criminal activities.

He commanded the increase cooperation of the police with the office of the Director of Public Prosecution, the Judiciary and other partners within the criminal justice system, which resulted in notable convictions in case involving child sacrifice, human trafficking and violent murders among others.

Despite these advancements, the report also reveals a troubling trend concerning mob justice. Cases of murder by mob action **increased by 9%**, with **1,039** reported cases in 2023 compared to **953** cases in 2022. This rise in vigilantism stressed underlying societal issues, including a lack of trust in law enforcement and the justice system, as well as socio-economic challenges, driving communities to take matters into their own hands. According to the reports, victims of mob action were mainly suspected to have committed offences of theft, robbery, murder, witchcraft, and burglary.

Efforts should focus on building trust between communities and law enforcement, improving response mechanisms, and addressing root causes of public dissatisfaction with the legal system and work to strengthen institutions, improve access to justice, and promote respect for human rights.

The Force has worked extensively on resolving cases related to domestic violence, land conflict, armed robberies, attacks on schools, etc. Below are some highlights:



Domestic Violence:

A total of **14,681** cases of domestic violence were reported to Police in 2023 compared to **17,698** cases in 2022 thus giving a **17% decrease** in the volume of domestic violence registered countrywide. By the end of 2023, **1,520** cases were taken to court, out of which, **423** cases secured convictions, **25** were acquitted and **183** were dismissed while **889** are still pending in court. **North Kyoga region** registered the highest number of domestic violence in 2023 with **1,538** cases.

Domestic violence has mainly been caused by dispute over family property, failure to provide for the family, drug and alcohol abuse, and cases of infidelity.

Defilement:

In 2023, a total of **8,925** cases of defilement were reported to police compared to **8,960** cases in 2022, giving a **0.3% decrease** in the defilement cases registered in the whole year. **North Kyoga region** registered the highest number of cases in 2023 with **825** cases.

Land Fraud Cases

In 2023, a total of **271** cases of Land related crimes were reported to Land Protection Unit (LPU) compared to **561** cases in 2022, giving a **51.7% decrease** in the crime reported in this category. The most committed offences in this category are Fraudulent Procuration of Certificate of Title and Obtaining Registration by False Pretences, Criminal Trespass, Obtaining Money by False Pretences and Forgery.

Child Related Offense:

In 2023, **4.7%** of the reported cases were as a result of child related offences with **10,741** cases where children/juveniles were direct targets/victims of crime, compared to **13,489** cases reported in 2022 thus giving **20.4% decreased** in the registered crimes in this crime category countrywide. **North Kyoga region** registered the highest number of cases in 2023 with **1,468** cases.

Categories of Child related offence

Categories of Child-related Crimes	Number of Cases Reported				
	2023	2022	2021	2020	2019
Child Neglect	4,730	6,505	4,961	4,785	6,202
Child Desertion	1,918	2,126	1,728	1,970	2,261
Child Stealing	232	245	213	222	236
Child Trafficking	510	532	317	98	77
Child Abduction/Kidnap	159	205	291	382	401
Child Disappearing/Missing	2,208	2,530	-	-	-
Child Abuse/Torture	866	1,240	1,073	1,287	1,302
Infanticide	37	47	42	85	49
Abortion	81	59	56	396	68
Total	10,741	13,489	8,681	9,225	10,596

Narcotics

In 2023, a total of **2,113** cases of Narcotics/Drugs were reported to the police countrywide compared to **2,797** cases reported in 2022 giving a **24.5% decrease** in this crime category. Kampala Metropolitan registered the highest number of cases.

Breakdown of cases of Narcotics/Drugs

S/No	Offenses	Number of Cases Reported				
		2023	2022	2021	2020	2019
1	Heroin	8	12	13	1	20
2	Cocaine	11	6	2	-	3
3	Herbal Cannabis	403	862	438	462	852
4	Cannabis (plants destroyed) cases	109	100	-	-	-
5	Other Narcotics (general)	1,582	1,817	1,215	1,251	1,875
	TOTAL	2,113	2,797	1,668	1,714	2,750



Cybercrime

A total of **245** cases of cybercrimes were reported to the Police countrywide in the period under review compared to **286** cases reported in 2022 giving a **14.3 % decrease** in this crime category. Cybercrimes led to loss of **Ugx. 1,543,292,161** in 2023, out of which **Ugx 377,441,465** was recovered.



UNAFRI 4TH INTERNATIONAL CONFERENCE

Theme: "The Prosecution of Terrorism Offences, Illegal Possession and Trafficking in Firearms in East and Southern Africa, "The Trial Process and Place of International Law"

The United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) organized its fourth International Conference by video conference on the 20 of February 2024.

Objectives:

The conference had the following objectives:

- Highlight the links between terrorist activities and the illegal possession and trafficking of firearms and their impact on national and international security;
- Identify in African judicial systems the jurisdictions competent for the prosecution and trial of terrorism offences and illegal possession and trafficking of firearms;
- Evaluate the procedural guarantees regarding the investigation, prosecution and trial of terrorism offences and illegal possession and trafficking of firearms under international law;
- Consider international judicial cooperation and take advantage of it to research, identify and note tips for better training of a judge or an anti-terrorism prosecutor;
- Analyse the conditions of detention of perpetrators of terrorism offences and illegal possession and trafficking of firearms and the prospects for their social rehabilitation;

- Encourage university teachers, students and other researchers to research issues related to the investigation, prosecution and judgment of terrorism offences and firearms possession and trafficking.

Sub theme of the conference

Axis 1:

Conviction of perpetrators of acts of terrorism, illegal possession and trafficking of firearms and prospects for re-socialization (Hon. Justice Brassel John Adeline).

Axis 2:

Offences of terrorism and possession and illegal trafficking of firearms: particularities, links, issues and challenges for national & international security (Prof. Leonard Paul Shaidi).

Axis 3:

Procedural guarantees in the investigation, prosecution and judgment of terrorism offences and illegal possession and trafficking of firearms (His Worship Festo Nsenga).

Axis 4:

An overview of the jurisdictions competent in the prosecution and repression of terrorism offences and illegal possession and trafficking of firearms in Africa (Prof. Kenneth Wyne Mutuma).

Axis 5:

International judicial cooperation and tips for better prosecutor and anti-terrorism judge training. (Mr. Clemence Chimbari).

Expert and Panel members:**Moderator:**

Mr. Andrew K. Munanura , Legal and Training Consultant, UNAFRI – Uganda

Opening Remarks:

Dr Kitio Édouard, Director General, UNAFRI - Uganda

Presentation of the sub themes:

1. Hon. Justice Brassel John Adeline, Supreme Court, Mahe – Seychelles.
2. Prof. Leonard Paul Shaidi, Professor of Law, University of Dar-es- Salaam.
3. His Worship Festo Nsenga, Deputy Registrar, Criminal Division, High Court of Uganda.
4. Prof. Kenneth Wyne Mutuma, University of Nairobi – Kenya.
5. Mr. Clemence Chimbari, Chief Public Prosecutor, Zimbabwe National Prosecuting Authority. Causeway Harare – Zimbabwe.



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