

UNAFRI



United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI)

- General Direction and Management
- Training And Human Resource Development
- Information And Documentation
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Foreign Minister hosts UNAFRI Director



April- June 2023

Newsletter

BILINGUAL NEWSLETTER- *English*

Inside

- > Foreign Minister hosts UNAFRI Director
- > Director's Diplomatic Circuit
- > Fight against Corruption
- > Trans-border Crime: 38 Ugandan Students Killed
- > A Glimpse into the Criminal Justice System in Cameroon
- > UNODC and UNAFRI Technical Working Committee Meets

UNAFRI



Foreign Minister hosts UNAFRI Director



Following his appointment and assumption of duty on 1st March 2023, Dr Edouard Kitio's meeting with Foreign Affairs Minister Jeje Odongo --- representing the Uganda Government, which hosts UNAFRI --- was purposed for presentation of his credentials.

Maj. Gen. Odongo said that Uganda has the conducive factors for the Director to discharge his obligations: the beautiful weather, friendly people and support from the State would provide Dr Kitio with a great environment within which to perform his duties and render service to member States.

Secondly, Uganda and Cameroon enjoyed cordial diplomatic cooperation at regional and international levels. Against this

background, he would find his stay in Uganda enjoyable.

The Minister was aware of challenges faced by UNAFRI, especially inadequate funding, which hampers implementation of activities. He also referred to the unexploited chunk of land which the Government gave to UNAFRI for development of relevant infrastructure.

It was therefore imperative that UNAFRI scales up its resource mobilisation efforts. He, however, cautioned that in light of the Russia-Ukraine war, getting resources from Europe and the USA would be quite difficult. Since the onset of that belligerence, Africa's interests had not received adequate attention. Nonetheless, since UNAFRI falls

under the jurisdiction of the Foreign Ministry, Dr Kitio had an open chance for calling upon the Minister for interactive sessions, at any time; even without bureaucratic protocols; to discuss the Institute's concerns.

In response, Dr Kitio expressed appreciation for the warm reception he had received since his arrival in Uganda. He thanked the Government for hosting the Institute. He pledged to transform UNAFRI and to attract technical support for programme implementation.

Among his immediate programme of activities was an international conference via zoom, on 16th May 2023, on 'Money Laundering and Financing of Terrorism' for Francophone countries in West and Central Africa. Several other activities would follow suit in a bid to enhance UNAFRI's capacity

to deliver on its mandate.

The Acting Deputy Director, Mr John Ssali, thanked the Minister for the support rendered to him during his term of service as Acting Director. It was due to Gen. Odongo's personal interest and intervention at various levels of Government ---- including promoting UNAFRI concerns and Mr Ssali in Parliament --- that the Institute was still operational. Dr Kitio was inheriting a better situation; after the challenges had been addressed by the Minister.

A number of challenges were enumerated to the Minister for his personal intervention. The issue of the land given to UNAFRI was yet to be conclusively resolved. The Minister pledged further support to UNAFRI.



Director's Diplomatic Circuit:



Background:

Since inception, in 1989, the Institute has made efforts, albeit with limited resources, to assist African states formulate policies and programmes geared at crime prevention and enhancement of criminal justice systems across the continent.

The call for support from member States, and other stakeholders, through collaboration initiatives and donor support has therefore become imperative.

There is need for UNAFRI to get the crucial capacity to address the ever-increasing sophistication in criminality. For this support to be availed to UNAFRI, the recently

appointed Director, Dr Edouard Kitio, is currently on a drive to engage all member States, through their missions in Kampala, to devise mechanisms for support.

The support is expected to facilitate the envisaged transformation of the Institute into an effective pan-African Centre of Excellence for expert knowledge and interventions; to develop new initiatives and energise existing mechanisms with the required skills for proactive programmes in the fight to eradicate all forms of crime in Africa.

In this regard, the Director recently paid courtesy calls on different Ambassadors in Kampala.



Eritrea:



On 5th April 2023, he met the Eritrean Ambassador to Uganda and Dean of Diplomatic Corps, in Uganda, H.E Mohammed Suliemaan Ahmed. The latter hailed the friendliness of Ugandans; great climate; and political stability. He was optimistic that Dr Kitio would find his tour of duty enjoyable. The envoy emphasised the pivotal role of UNAFRI in promoting the development of Africa through crime prevention.

He then gave a detailed profile of Eritrea, focusing on its size, strategic location, natural and human resources. Eritrea, he said, is endowed with entrepreneurial capacity, especially in mining, manufacturing, marketing and commerce. Coupled with this is a vibrant service industry that includes hotels, restaurants and construction; at home and in the Diaspora. Several commercial and industrial outlets are managed by Eritreans in Uganda. Currently, an estimated 27,000 Eritrean nationals are resident in Uganda. As such, Eritrea was committed to supporting

UNAFRI in a bid to protect its nationals and enterprises across the continent.

Missions:

At centre stage of the talks was consolidation of relations between UNAFRI and member States through other diplomatic missions in Kampala. Ambassador Ahmed doubles as the Dean of Diplomatic Corps in Uganda. There are 45 diplomatic missions; 32 international organisations, including UNAFRI; and 45 Consulates in Uganda. Some of the Consulates are represented by Ugandans. These missions, he said, would be the bedrock of operational diplomacy, which would help UNAFRI frame its development and implementation of programme activities. Success would therefore be hinged on negotiations to advance this agenda; and to request for interventions to mitigate contemporary challenges.

He advised Dr Kitio to scale up on courtesy calls to the aforementioned diplomatic

missions, including the High Commissioner of Tanzania, who is the Dean of African Missions in Uganda; and his Deputy, the Ambassador of Burundi. These two would help establish the necessary rapport and vital connections for the benefit of UNAFRI --- without going through conventional lengthy procedures.

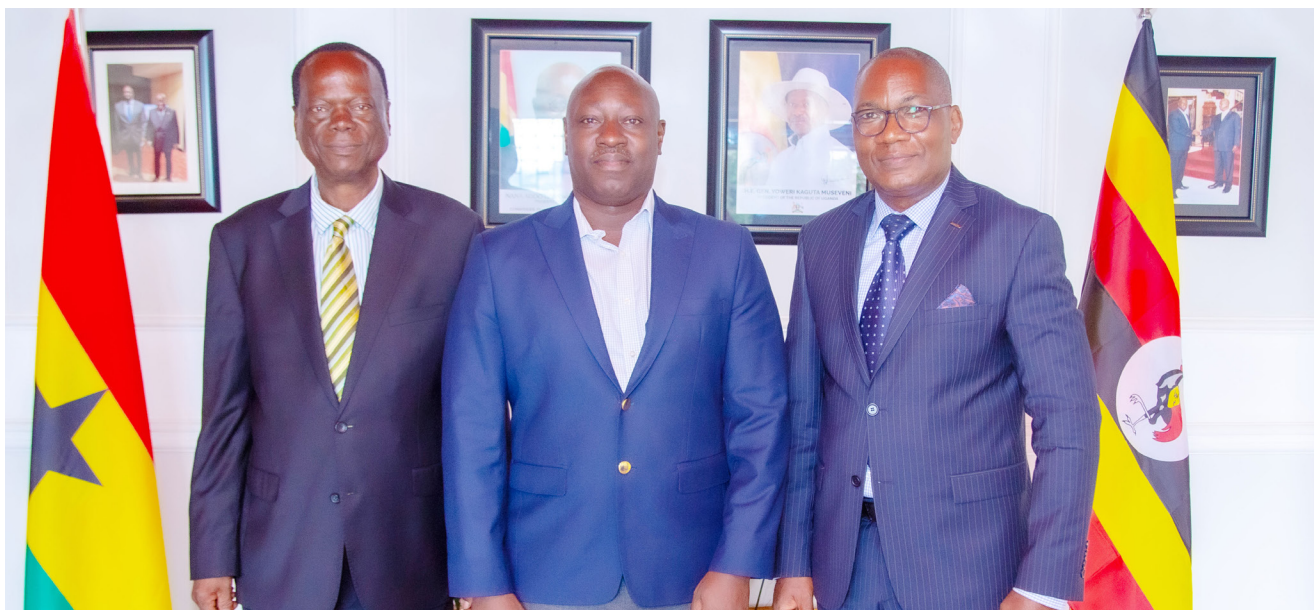
He also urged his guest to create a rapport with the European Union Mission – currently headed by Sweden --- and the embassies of Britain, USA, China, Russia, France and Belgium. Other Diplomatic missions of vital importance to UNAFRI are: India, Turkey, South Korea, and Cuba. Others include the

Coordinator of the United Nations System in Uganda and the Consulates of Austria and Botswana.

Dr Kitio expressed appreciation for the wise counsel. His courtesy calls to the said missions would definitely be high on the agenda. He requested for articles, papers and reports from Eritria which are relevant to crime prevention, which would, in turn, be published in UNAFRI's regular Newsletter for the benefit of all African countries. The envoy promised to attend to the matter. The meeting ended on a note of consolidating relations between UNAFRI and the Embassy.



Ghana:



On 18th April 2023 the Honorary Consul of the Republic of Ghana in Uganda, H.E Kwame Ejalu received Dr Kitio. The latter outlined his credentials and narrated the status of the Institute, emphasising the need for Ghana's response to the outstanding appeal for support to UNAFRI. The support was crucial for implementation of crime prevention programmes. He also reported that the

Institute lacked international experts to help in programme implementation. Their recruitment and retention would however be premised on firm and sustainable support expected from member States.

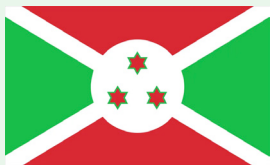
There was also need for lobbying by member States on behalf of UNAFRI, at the UN, so that its subvention to the Institute

gets increased. Dr Kitio also discussed the need for infrastructural development so that the Secretariat matches the envisioned status of being a Centre of Excellence for Criminal Justice in Africa. Currently, the available infrastructure, given to the Institute by the Uganda Government, comprises of old buildings constructed in 1954. They do not match with current estate demands to host sessions of justice sector personnel from across Africa and beyond.

Consul Ejalu informed the Director that in the history of Africa's governance, Ghana assumes a special status as the first country to assume self-determination; when it gained political independence in 1958. Thereafter, Ghana continued with its

vigorous campaign for all African countries to get independence. He informed the Director that Ghana pursues, with keen interest, all its international obligations and attaches significant interest to the African Institute for the Prevention of Crime and the Treatment of Offenders.

He pledged to deliver UNAFRI's request for support to the High Commissioner of Ghana to Uganda, who is resident in Nairobi, Kenya --- for onward transmission to the Government in Accra. The meeting ended on a message of hope and best wishes from Ghana to the Director for success in transforming UNAFRI into a vibrant crime prevention organisation.



Burundi:



On 18th April 2023, the Ambassador of Burundi, H.E Epiphane Kabushemeye Ntamwana, hosted the Director. The latter recalled his

earlier experience while on a professional mission to Burundi, and expressed hope that such visits would feature in UNAFRI's programmes. In response, the Ambassador congratulated the Director upon assuming his post. Citing her Government's respect for international and regional obligations, Bujumbura would soon respond to its responsibility of remitting outstanding financial support to UNAFRI.

She advised that in the future, Dr Kitio should consider organising a conference of diplomats and other officials from relevant organisations to sensitise them; and make appeals for support to UNAFRI. Through this approach, the Director could also make necessary appeals for infrastructural transformation at the Secretariat; recruitment of experts; and other needs as they arise. She informed the Director of the Embassy's leadership role in this year's celebration of the African Child Day (It was held a month later).

She also narrated her experience with human trafficking --- with reference to 42

young girls from Burundi who were being trafficked to the Middle East. Through her effort, the racket had been busted, with support from Uganda's institutions. The girls were saved. She also lamented about the effect of drugs, especially on the youth. There was therefore need for professional intervention to help Africa stem such vices.

Dr Kitio expressed appreciation for the counsel. He also informed her that the Institute was due to hold an international conference on money laundering and terrorism financing for Francophone African countries in West Africa and other interested parties.



Kenya:



On 3rd May 2023, Maj. Gen. (Rtd) George A. Owinow, Kenya's High Commissioner to Uganda, hosted Dr Kitio. The envoy welcomed him to the High Commission and congratulated him on assumption of his new tour of duty. UNAFRI's potential for effectiveness in crime prevention was factored in the strategies Dr Kitio would make to attract financial and technical support.

Crime, he observed, was a key concern for every individual, community and nation. Emerging crimes, especially those engineered by technology through digital space and online apparatus that cross

boundaries posed a very serious challenge to conventional means of crime prevention and administration of justice. There was therefore need for new skills in law enforcement, detection, prosecution and correction of criminal elements. He advised that such new skills should be the bedrock of UNAFRI's mandate; and implemented through training, research, advisory services, information dissemination, promoting best practices, and awareness-raising. The High Commission pledged to support the Director's mobilisation initiatives.

The discussion also dwelt on the justice sector, terrorism, money-laundering, drugs, human trafficking, illicit firearms and environmental crime. There was thus need for renewed effort to develop projects that would be implemented on the basis of regional and international cooperation. Existing bilateral contacts between neighbouring states would be very useful and should be strengthened in a bid to stem cross-border criminality through mutual legal assistance initiatives.

Dr Kitio hailed member States such as Kenya for their timely financial and technical support to the Institute. Nonetheless, there was still need for a higher level of resources from member states and other stakeholders to help fight sophisticated crime.



Egypt:



On 4th May 2023, Dr Kitio visited Ambassador Monzer Selim of the Arab Republic of Egypt. Although the envoy had just begun his tour of duty, in Uganda, in December 2022, he had a fair knowledge of the Institute, based on his prior posting in New York, the headquarters of the United Nations. While in New York, he was engaged in discussions about UNAFRI's issues; at the Third and Fifth Committees of the UN General Assembly.

He was happy about the level of coordination, citing the correspondence from the Chairperson of the Governing Board of UNAFRI, which had come just ahead of the Dr Kitio's visit. The Ambassador had received concerns from the Chairperson of UNAFRI's Governing Board, (DR Congo Justice Minister Rose Mutombo) about the need to support the Institute. He said the Director's visit was therefore timely.

He shared useful experiences, upon which UNAFRI could scale up its fund-raising drive among donor agencies and within the

UN. The Ambassador was pleased that part of UNAFRI's focus was exploring innovative solutions to the challenges of crime and its negative impact on the attainment of the UN Agenda 2030, and attendant Sustainable Development Goals.

Dr Kitio affirmed to the Ambassador that in order to fight emerging trends of crime, there was need for an increase in funding support. He requested for Egypt's support within the Africa Group at the UN --- when discussing issues of the anticipated increment in budgetary support to UNAFRI. Building on his experience, the Ambassador advised that the Institute appeals to the Uganda Government to spearhead the promotion of its financial interests at the 5th Committee.

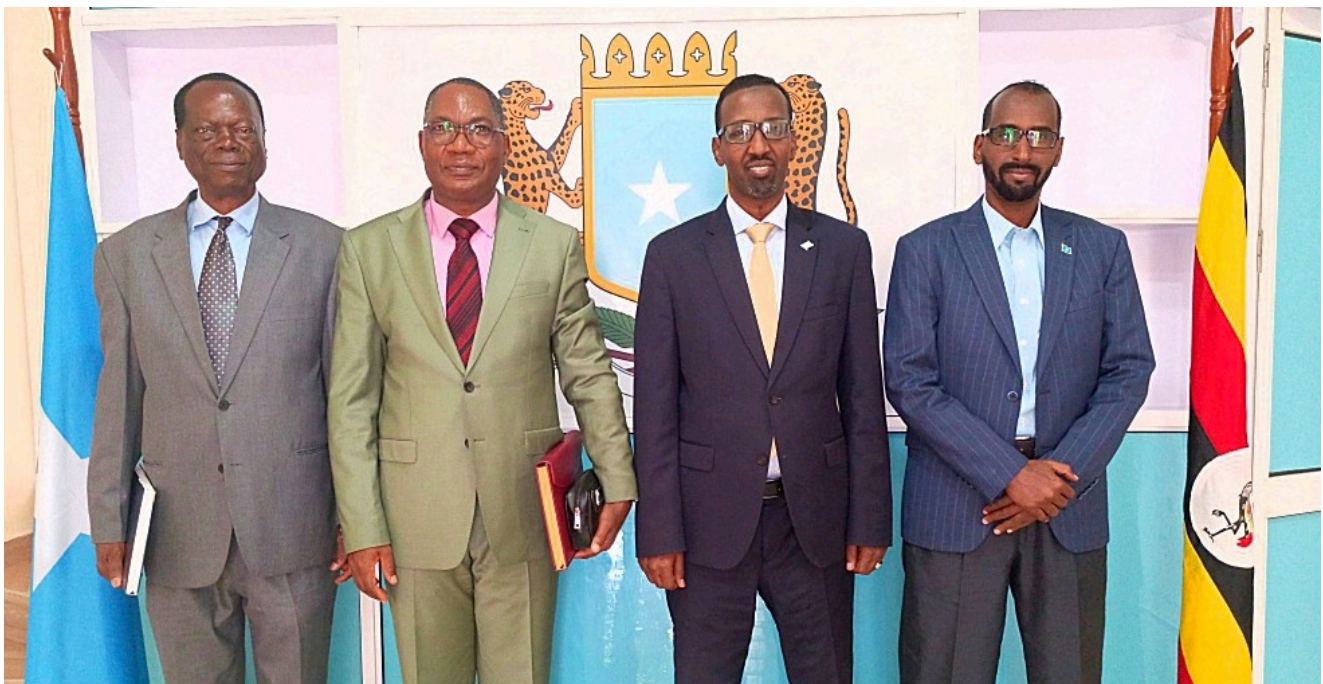
Ambassador Selim was optimistic that Cairo would respond to UNAFRI's correspondence which requested for payment of its dues. He, however, noted that the post Covid-19 economic impact and the Russia-Ukraine

war had adversely affected the economy of the country, and as such funding support may not be coming as expected. The Director had earlier reiterated the on-going efforts for UNAFRI to develop a database of experts in criminal justice, and hoped that Egypt would respond to the request.

The Ambassador assured his guest that UNAFRI's request for experts in criminal justice would be attended to since Egypt has many professionals in that area. The meeting ended on a note of expression for further cooperation.



Somalia:



On 2nd May 2023, the Director paid a courtesy call on the Ambassador of Somalia, H.E Ali M Mohamud. The Director requested for enhanced support from member States and the international community. He highlighted the need for infrastructural growth at the Secretariat --- to meet the current civil structure demands for accommodating a diversity of needs at the premises. The Director also pointed out the need for member States to assist in identifying experts to help UNAFRI in the implementation of its programmes in criminal justice; the Institute is developing its database of experts in specialised areas of criminal justice. He also

informed the Ambassador that member States would be of great help in promoting the Institute's appeal for an increment in budgetary support from the UN at the Third and Fifth Committees of the UN General Assembly and from donor communities in their countries.

Ambassador Mohamud informed Dr Kitio that clan conflicts in Somalia had not only caused a lot of insecurity but also hampered the country's economic development. Nonetheless, there are current efforts to promote harmony among the various warring clans so that they form a

government of national unity. He regretted that due to these conflicts, Somalia had not been able to make its presence at various fora and to exercise its responsibility as

expected. That notwithstanding, he was confident that Mogadishu would soon meet its international commitments, including payment of its dues to UNAFRI.



European Union Delegate:



The EU Ambassador, Jan Sadek, and the Director briefed each other on their mandates, programmes and career paths. It was noted that their programmes were mutually reinforcing because they address socio-economic development in accordance with the UN's Sustained Development Goals (SDGs).

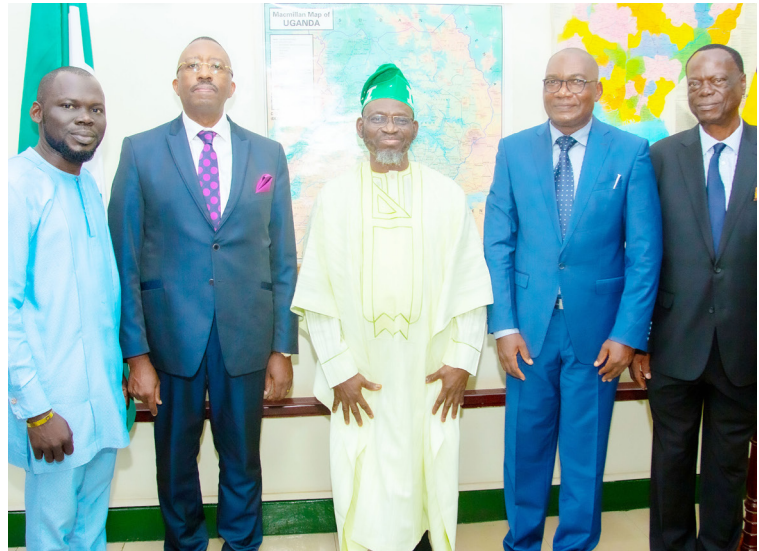
The Ambassador noted the relevance of the Institute, premised on its focus on access to justice, human rights and the rule of law. He was pleased that the deliverables of

the Institute are for the benefit of the entire continent of Africa. He explained that the EU has programmes which are well integrated in their interventions with the Ministry of Justice, in Uganda.

Dr Kitio made an expose of a wide-ranging assortment of programmes, some of which would be detailed in the Strategic Plan to be released soon. The programmes are development-oriented and rhyme with the mandate of the Delegation of European Union.

Nigeria

The High Commissioner, H.E Ismail Alatise, affirmed his commitment to offer necessary support to UNAFRI. In this regard, Nigeria was demonstrating fulfilment of her obligations with remittances of funds to meet their assessed financial contributions to UNAFRI. On outstanding balance, he called for an up-to-date statement of Nigeria's contributions upon which he would communicate with Abuja, for necessary action.



He said UNAFRI had been retained by the Nigerian authorities on the list of international organisations to continue receiving support from the Federal budget. Other organisations had been withdrawn from the list. For this matter Nigeria would remain an active member.

Director Kitio appreciated the gesture of goodwill and commitment from the High

Commissioner and his government. He explained that the Institute was still not fully operational owing to inadequate staffing; of international experts in the fields of training, research and information documentation. He said he needed money for this exercise. The Envoy, in agreement, said the international profile of the Institute should be reflected in the diversity of skills and geographical representation seen in its staffing.

DR Congo

Dr Kitio also paid a courtesy call on the Democratic Republic of Congo (DRC) Charge d'Affaires, H.E Jules Ngalu Kalala. The visit was special because Kinshasa currently chairs UNAFRI's Governing Board. The Justice and Constitutional Minister, Rose Mutombo is the Chairperson. She recently chaired the selection panel which undertook the recruitment exercise, leading to the appointment of Dr Kitio as Director of UNAFRI.

The meeting was also geared at acknowledging the significance of the support, concern and interest of the DR Congo government in the affairs of the Institute.

UNAFRI's Ag Deputy Director, John Sembuya Ssali hailed the cordial relations between the Institute and the Embassy. He hailed Kinshasa for the help to the Institute during its most challenging times.



Dr Kitio thanked the Charge d'Affaires and acknowledged support from the UNAFRI Chairperson. He however noted that funding support to the Institute was still inadequate. UNAFRI's wish for recruitment of experts from member States, coupled with accelerated implementation of programmes, was being hampered by lack of funding. He urged member States to enhance support to their Institute.

Fight against Corruption: Need for a new Approach

One way of understanding corruption is to view it in the context of community organisation. This approach focuses on behavioural aspects of greed and peculiar weaknesses of public officers who totally disregard available regulations and norms. According to Transparency International, corruption is the abuse of entrusted power for private gain. It erodes trust and hampers economic development; giving way to class divisions in society.

Corruption takes many forms. For example public servants may demand money/ incentives in exchange for services while politicians abuse their authority by granting favours to identified contractors in exchange for individual gain. On the other hand, corporations may bribe government or public officials in a bid to secure lucrative deals; etc. Corruption can happen anywhere, and involve anyone!

Is it a legal or moral problem?

It is a well-established fact that Africa's fight against corruption has been well legislated. There is an abundance of laws in an effort to rid the region of this vice. Interestingly, the more legislation there is, the more the violation and fragrant disregard of its effect. Is the fight against corruption going to be centred on the right laws? Why does it continue unabated despite existing good laws? Why would the code of conduct be flouted by public servants? Indeed, even with decades of intense pressure from law enforcement and other security agencies, there is recorded persistence of corruption in the region, including daring attacks on

strategic budgetary appropriations.

In Uganda and other countries, cases of corruption were reported in delivery of drugs and other logistics during the Covid-19 pandemic.

Similarly, cases of unethical conduct in Uganda's saga regarding the delivery of iron sheets for the needy communities in Karamoja, north eastern Uganda, have recently been traced to very high-ranking government officials! Litigation of cases in this regard is on-going in courts of law. And in light of the sub-judice principle, we are constrained to delve into the details of this subject. The judgement of these cases will highlight the difficulties of creating a balance between the functioning of the law and the requirements for deterrence among the culpable elite.

Flawed management and the dilemma of community aspirations create opportunities for crime rings to infiltrate all levels of public service -- usually in connection with receiving monetary kickbacks and allowing criminal activity to take place under 'protection'. Remedial measures will require thorough internal reorganization of the respective public service departments.

Africa is known for its diverse resources, potentially fronting the continent among the most endowed regions of the world; with varying opportunities for investment and attendant benefits accruing from exploitation of these resources for the benefit of society. However, it is regrettable that criminal activity, particularly corruption has frustrated development.

Africa losing over US\$100bn annually

There is imminent danger of losing value due to diversion of resources and haemorrhage of wealth to individual benefit, rather than the common good. The African Union has estimated that during the 1990s corruption was costing African economies an estimated \$148 billion per year, or about 25% of the continent's total output! The World Bank estimates that more than US\$2.6 trillion or 5% of global GDP is lost to corruption! (World Bank 22nd December 2022).

Corruption in Africa can metaphorically be likened to a bug that is resistant to pesticides. It grows and reaches all heights of the structure in which it builds, regardless of the impact of pest control measures. Corruption affects all levels of public life, and erodes integrity of public servants. Notwithstanding the availability of legislation and institutional framework to curb it, there is little to show for the effectiveness of measures to rid the continent of corruption.

Lessons from the fastest-growing economies in the world show that the fight against corruption must be prioritized if investors are to have confidence that their money will be safe in a particular country.

A lot of the much-needed resources, both internally generated and donor support, for development with particular emphasis on helping the less privileged communities, is continuously lost to corruption. Sadly, national development gets compromised due to systemic corruption involving high-level public officials. Corrupt elites enabled by illicit networks plunder state coffers and move their ill-gotten proceeds across regions. Using and relying on their networks, there is a possibility of influences towards impunity.

Dire need for Attitudinal Change

It is clear that there is need for a fresh but sustained approach to counter corruption in Africa. Through enhanced awareness of all sectors of society, key networks which lubricate mechanisms and channels of corrupt deals can certainly be rolled back.

Remedial efforts against corruption have been enforced by authorities at several levels of administrative hierarchy. Each country has had its own experiences and these experiences have defined the level of national responses, often hinged on regional or international perspectives in the fight against corruption.

However, Africa needs not only technical assistance for proactive advances, which will promote an anti-corruption culture but a serious change of mind set; an attitudinal transformation and a behavioural elevation, premised on mentality reforms which highlight the significance of morality. If individuals uphold good moral values, they will be aware of the consequences of their actions and refrain from indulging in such acts. Corruption can be prevented from within if individuals embrace strong moral values of integrity, honesty, leadership, accountability, transparency, fairness, equity and trust.

Why are Deterrent Sentences and lists of Shame failing?

Harsh deterrent sentences, wider publicity and general disapproval have been tried in this regard. Every gesture, from choice of personnel, character of human resources in strategic appointments and meticulous attention to processes of drafting relevant legislation and punitive measures have been floated as useful tools of reform

in practices, policy and law with which to enhance capacity to fight corruption. Despite all these efforts, corruption prevails.

Perhaps the greatest step forward in the search for strategies against corruption has been the appeal to involve local communities in all stages of project planning, implementation and evaluation. It is crucial to remember that local communities do not need to know the intricate details of the law. Instead, they need to understand the human impact of corruption and their specific responsibilities to help prevent it in everyday situations as they may come across. This gives awareness-raising greater meaning. Ultimately, communities will be much more likely to remember their duties and act in the right way.

Consequently, several developments are expected to come with this initiative to involve local communities, principally as a measure to influence perception and to spark an activated engagement of thoughts and mobilisation of views at individual and community level.

On 4th December 2019, Uganda engaged in a new initiative to raise awareness of local communities against corruption. '*Renewing the fight against corruption*' through an anti-corruption walk, the chief walker, President Yoweri Museveni, urged the communities to increase vigilance. He also opened channels through which whistle-blowers could inform the relevant organs of State. And furthermore, in this year's Easter message, he appealed to communities, as consumers of social services, to play a more active role in detecting and reporting shortcomings in the delivery of such services.

The Inspector General of Government (Uganda's *ombudsman*), in June 2023, said since local communities were the consumers of social services, they were the worst-hit victims of corruption. She tasked them to be conscious and report cases of

corruption to her office for necessary action. In a related scenario, a whistle-blowing opportunity arose in recent times, through the social media platforms. Notwithstanding their simplicity, local communities identified 'pot-holed' road networks and poor services in hospitals. Due to an uproar by local communities through social and electronic media, relevant authorities had to take remedial action. The road repairs are still ongoing to patch up the pot-holes. Therefore, one expects that a spirited effort, as opposed to mere recourse to an administrative and legal approach, will add further thrust to the policy development processes and fight corruption in the country.

New Strategies

According to a Foresight Africa 2019 report, **"Africa needs to focus its anti-corruption fight on long-term, high-return institution building activities, coupled with the justice infrastructure and political will to hold those who transgress, accountable"**.

The fight against corruption will involve honest strategies to:

- End impunity
- Reform public administration and finance management
- Promote transparency and access to information
- Empower citizens.
- Close international loopholes

It is expected that when these efforts are combined with building strong and independent audits as well as justice systems, including a well-resourced judiciary and an oversight office to field complaints by a strong and accountable civil society, such strong and independent institutions may gradually have a valuable effect on political will as they exert the necessary pressure on politicians, even at

the highest levels, to act. Such initiatives take patience and determination though, since building these institutions, systems, and processes may take a considerable time but it helps in the long run to gain public support.

According to UNDP and Transparency International, in order to win the battle against corruption, and ensure a solid foundation for the achievement of the Sustainable Development Goals and Agenda 2063, Africa must move beyond setting up offices and engage in pragmatism and action, exploring new and innovative solutions, based on a new sense of consensus on the need for higher and sustainable levels of morality and patriotism.

The Global Economy Forum advises that there should be safeguards of anti-corruption initiatives, which must be an integral part of national development plans with the requisite resources and benchmarks for assessing progress.

African governments should make use of new information and communication technologies (ICTs) and social accountability tools. Several web-based applications have been developed to provide easy-to-use electronic platforms for citizen engagement. Digitalization is opening up new ways of fighting corruption by providing governments with new platforms for engaging with citizens and entrepreneurs. It also promotes greater transparency and accountability by facilitating access to information. Some African countries are using this opportunity to improve service delivery and governance in a variety of ways.

Africa needs to find new ways to fight corruption

The challenges Africa faces in fighting corruption cannot to be underestimated.

Constructive dialogue must take place between governments and people to create anti-corruption commissions that truly serve the interests of the local society. Going forward, this calls for a participatory process of engagement, as well as an inclusive decision-making process, facilitating Africa to grow and nurture its own pragmatic ideas, processes and mechanisms to deal with corruption.

It is crucial that Africa must adopt anti-corruption strategies which are comprehensive, and include governance innovations such as open data, transparency and accountability in business, procurement and construction. Legal reforms should be undertaken to empower hitherto non-traditional enforcement entities leeway to contribute to detection, reporting and prosecution of suspected cases of corruption. Civil society organizations (CSOs) must play a more robust role as the true watchdogs for the people.

In Tanzania, recently, an invoice for purchase of a new aircraft was inflated by nearly \$50 million. The audit revealed that an \$86 million invoice, over twice the original figure, had been submitted to the government in an attempt to defraud the state. President Samia Suluhu demanded that all individuals involved in the fraud resign immediately. Such decisive measures and bold interventions are the bedrock of the real fight against corruption in Africa, and these should be adopted as best practices to be shared across borders.

References:

UNDP

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– anti-corruption cours

Trans-border Crime: 38 Ugandan Students Killed

On June 16th this year, a day which is celebrated across the continent as a 'Day of the African Child,' trans-border crime took centre stage in Uganda. Suspected members of the Allied Democratic Forces (ADF), an Islamist Ugandan rebel group, but whose rear bases are in the south eastern DR Congo, crossed the border and killed 41 people, 38 of whom were secondary school students in Kasese, Western Uganda.

The ADF incursion on Lhubiriha Secondary School on the night of 16th June 2023 is one of the atrocities in their campaign of terror onto unsuspecting civilian populations. Reports from survivors of the invasion indicate that the rebels, armed with guns, machetes and grenades, tried to force their way into the boys' and girls' dormitories. When some of the students refused to open, the attackers lobbed hand-held bombs inside, killing many instantly, while several others were hacked to death with knives and machetes.

As expected, it was difficult to establish the identity of several students who had been burnt beyond recognition, and this complicated the process of identifying the deceased for ultimate handing over of their remains to relatives for burial.

It is the second such brutal attack on innocent students by suspected ADF rebels over the past two and half decades. On 20th August 1998, the rebels suspected to be from the same group attacked Kichwamba

Technical Institute, in western Uganda, and burned 80 students to death. Another 100 were abducted by the rebels and marched to the jungles of DR Congo.

Similarly, during the 16th June 2023 attack, they did not only kill, but abducted some of the students. Unlike in previous instances, the suspected rebels neither released a statement admitting responsibility nor gave reasons for their gruesome attack, which revolves around killing innocent civilians. Over the past 25 years, many Ugandans that are not students have similarly been killed or abducted by the rebels.

Just like in some West African countries, western Sudan and Mozambique, Islamist rebels have made it a policy to operate in neighbouring countries; from where they sneak into different nations and kill or abduct innocent people. In West Africa, the Boko Haram terror group, which originates from north eastern Nigeria, is active in Nigeria, northern Cameroon, and Mali. Over the years, they have killed and also abducted hundreds of innocent people over the past decades.

Other radical Islamist groups operate in Mozambique, Ghana, Central African Republic, Malawi and Tanzania, making it a serious Trans-border crime that hampers security of persons and property and socio-economic development.



UNAFRI CONDEMNS THE TERRORIST ATTACK ON THE SCHOOL IN KASESE

The United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) learnt with consternation that during the night of 16th June 2023, terrorists suspected to be members of the Allied Democratic Forces (ADF) or other evil forces sneaked through Mpondwe and attacked Lhubiriha Secondary School in Kasese district, causing the death of 42 people, wounded many and kidnapped some.

UNAFRI joins the Government of Uganda and its people, as well as the international community to condemn, in the strongest terms possible, this unspeakable attack on students and innocent civilians, which constitutes a dreadful attack on the right to life and education.

The Institute sends its sincere condolences to the families of the deceased victims, and wishes quick recovery to the wounded. In the same spirit, the Institute supports and encourages the Government of Uganda to do everything possible to find the kidnapped children, and punish the perpetrators of this heinous crime.

Realizing that educational institutions have become soft targets for terrorist activities,

the Institute calls upon all African States to double their efforts and provide adequate protection to these institutions, so as to assure the African youth of their full blossoming in a safe environment.

Done at Kampala, 20/06/2023

UNAFRI Secretariat

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 ».

PNI EFFORTS TO REDUCE RE-OFFENDING THROUGH TECHNICAL ASSISTANCE:

The Case of UNAFRI in Africa

At a UNAFEI-side event during the 32ND Commission on Crime Prevention and Criminal Justice (CCPCJ), in Vienna, Austria, on 24th May 2023, our Legal and Training Consultant, Andrew Munanura Karokora presented a paper on the topic cited in the headline. Here below, we reproduce his presentation.

Introduction

The United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) is the African Institute mandated to assist African countries in combating crime through action-oriented research. One of its operational objectives is to provide its member states, at their request, with the technical assistance that they need to tackle the different forms of criminality.

One such successful technical assistance was a project jointly undertaken in close collaboration with the Uganda Prisons Service code-named "From Prison Back Home" in Uganda. The project's objectives were; to successfully resettle ex-prisoners, reconcile the offender with the victim and community, thus making peace; enlist socio-psychological support in resettling ex-prisoners and reduce the rate of recidivism and decongest prisons.

The ultimate objective was the social rehabilitation of the inmates.

UNAFRI has also assisted African countries through training of criminal justice and other related personnel, dissemination of relevant information and good practices identified among member states, consultative missions for identifying the real needs of member states and initiating effective policies that considered the African socio-economic realities.

In this regard, UNAFRI has emphasized using locally available resources as a strategy for local communities' total involvement in proposed crime prevention activities.

The project "From Prison Back Home" was meant to disrupt/break the cycle of recidivism. Social rehabilitation of inmates is a process that has to follow a particular cycle, namely:-

Preparation: social rehabilitation, like other processes, required preparation, which meant following specific steps. The practice had to start as soon as an inmate was brought into prison to minimize the effects of prisonization. During this stage, an inmate

maintains ties with family members and friends.

Legalsupport: The project looked at the legal regime meant to support implementation of successful social rehabilitation of offenders. The legal framework was silent on the roles of different social actors and their attendant social interventions. To date, UNAFRI is still pushing for an amendment in the law in Uganda to recognize the role of these social actors. In contact with the outside world, the link between the inmates and their family, relatives and friends, as envisaged under the standard minimum rules (Rule 37), wasn't adequately coordinated. Social rehabilitation can be achieved if the linkage between the inmate and the outside is established and properly maintained as soon as possible.

Involvement of social actors: The project identified the social actors as social workers, religious leaders, administrators, traditional leaders, opinion leaders, neighbours, offenders and victim families, educators and instructors, prison management and custodial staff, the police etc. These actors were the ones to prepare, implement and initiate the **needle logic**.

The primary tool to use in implementation of the needle logic is the *needle* to sew together the torn social fabric of an offender's life with the participation of social actors back into the community. This was as opposed to *knife logic*, whose objective was to punish the offender (punitive logic) solely.

The above three conditions were necessary for the needle logic to apply. In effect, social rehabilitation meant improving the relationship between the inmate or ex-inmate and all other members of their local community.

The project equally supported different pieces of training as part of a holistic social

rehabilitation programme for offenders, which was already within the mandate of the Uganda Prisons Service (UPS) under the Prisons Act 2006.

Rehabilitative education takes the form of: -

- Formal education; Primary, Secondary and University education
- Adult education/functional adult literacy
- Vocational skills training

Vocational training was encouraged, particularly activities such as blacksmith, carpentry, and masonry, considering life outside prison. Life in prison was not to be seen in isolation. Every time that link is established, it prepares the inmate to leave. That association was also a way to reduce the permanent "prisonization" effects. During this preparation stage, the social actors were the educators, prison management and custodial staff, and the inmate themselves.

The Exposition of inmates to various skills alone was not enough. The inmate should be linked with the outside to improve the relationship with members of his local community and the opportunity to implement the skills learnt while in prison.

In conclusion

Riding on the success of this project in Uganda, where UPS has been ranked the best in good performance, UNAFRI has encouraged member states to adopt the findings of this project to derive its benefits. Already, several countries have visited Uganda to benchmark on its excellent practices in correctional services.

A 2023 Regional Humanitarian Snapshot of West and Central Africa

Central African Republic

„Killings and population movements in the Ouham-Pende prefecture „

On 24 March, following the murder of two herders by armed bearers, 2,500 inhabitants fled fearing for their safety from Kowone to the bush and Ndim. Armed bearers visited the area and stole herds of cattle from two transhumant herders they killed during the theft.

OCHA and partners are preparing rapid needs assessment of the IDPs. With on-going transhumance season, crime against herders has become recurrent in the CAR. In 2022, transhumance-related incidents have caused the death of seven people and displaced 9,300 others.

Democratic Republic of Congo

More than 61,000 returnees from Mweso area following the withdrawal of M23

The withdrawal of the NSAG M23 from the Mweso area and the reduction of harassment by armed groups led to the return of over 61,000 people to their places of origin, including the territories of Masisi, Rutshuru, and Walikale in North Kivu, between 14 and 22 March.

The returnees are in urgent need of essential household items including food, and financial resources. Except for MSF, which is assisting them through health care services, and the NGO ABCOM through an agricultural programme, no other humanitarian actor is present. Since the beginning of the clashes between the Congolese army and the M23 in March 2022, over 880,000 people have been displaced across the territories of Rutshuru, Nyiragongo, Masisi, Walikale and Lubero.

Cameroon

Fire outbreaks exacerbate the vulnerability of IDPs and refugees in the Far North

On 3 March, three children were killed, and 53 shelters were destroyed in a fire outbreak in Kolofata IDP site in the MayoSava division. On 17 March, a fire outbreak affected 31 households in Yémé refugees' site in the Mayo-Sava division. Two other fire incidents were reported between 13 and 17 March in the Logone et Chari division, resulting in the destruction of several shelters. The causes of the fire outbreaks are unknown, but the materials used to build the shelters as well as the high heat in this dry season and the water scarcity, are known to be exacerbating factors. The affected people are in urgent need of shelter, NFIs and food support. OCHA is advocating for increased support to affected IDPs and intensified fire risk awareness and mitigation programs.

Niger

Population displacements in an agro-pastoral zone of Niger

On 21 March, alleged non-state armed groups (NSAGs) reportedly threatened the local population in Bolleyzé-koira village, in the Tondikiwindi District, a rural and agro pastoral community located in the northern part of Niger and asked them to leave or face reprisals. The assailants stole livestock from the people. Consequently, the residents started fleeing their homes on 22 March. The number of displaced people has not yet been determined. This region remains turbulent due to its proximity to neighbouring Mali.

Source: UN Office for the Coordination of Humanitarian Affairs

A Glimpse into the Criminal Justice System in Cameroon



Cameroon is a bi-jural state, as a result of the impact and legacy of colonialism. The country is however gradually departing from this heritage towards a unified system that will give it a legal identity of its own. A lot has already been done to advance in this direction. Several laws have been unified and promulgated, with still a lot more left to be done. The most recent of such unified laws is the Criminal Procedure Code which went into effect on 1 January 2007.

Before now, the country operated a dual criminal procedural system reflecting its bi-jural nature; the inquisitorial system derived from French civil law, and the accusatorial which emanates from English common law. The new code is a hybrid system merging key features of both systems with the accusatorial procedure adopted as its basis, with the presumption of innocence.

A. Legal Structure:

Cameroon's legal system is structured and placed under the supervisory authority of the Ministry of Justice with Courts of First Instances at the District and sub-divisional levels. High Courts are distributed at Divisional level; Courts of Appeal at Provincial level; and at its helm is the Supreme Court. Promotions, appointments, transfer and the discipline of magistrates and judges passes through the hierarchy of the Minister of Justice who makes proposals and recommendations to the Presidency of the Republic before it gets to the Higher Judicial Council.

This council is presided over by the head of the executive branch of the government who is the President of the country. He promotes, appoints, transfers and integrates magistrates and judges into the judiciary. Magistrates are trained and integrated into the Magistracy directly from the country's school of administration and magistracy. It is also important to note that while judges perform the role of decision making in a judicial process, they are but one part of a long chain of people with influence over a law suit. In the private sector, we have legal professionals like lawyers, bailiffs and the notary public.

Lawyers are constituted into a bar association with an elected president and a bar council. Bailiffs and the notary public likewise have similar orders. These private legal professions are placed under the directorate of legal professions and control in the Ministry of Justice, which acts as an overseer. The Minister remains the general supervisor. In the absence of a law school in the country, where these private legal professionals can be trained, aspirants are admitted into legal chambers.

At the end of their training they write an end of course examination directed by the Ministry of Justice in collaboration with the Bar Council. Bailiffs and notaries go through the same process. The Criminal Justice System consists of two major departments; the bench and the criminal department, commonly known as the legal department. The legal department is the prosecuting arm in charge of all criminal matters.

Magistrates and judges are moved from one department to the other. A presiding magistrate on the bench can be transferred to the legal department as a prosecutor and vice versa. In other words, there aren't specific magistrates and judges assigned to the bench and to the legal department. They all work inter-changeably. In the criminal department, we have the State Counsel's Chambers at the level of the Deputy Attorney General, Attorney General's Office of the Court of Appeal; Judge, Military Tribunal, Cameroon. Instance and the High Courts, and the Office of the Attorney General at the levels of the Courts of Appeal and Supreme Courts, have the Minister of Justice as the hierarchical supervisory authority. This department supervises, controls and directs all investigations, and prosecutes same at different levels.

B. Investigative Methods

Investigation in Cameroon is regulated by the newly promulgated Criminal Procedure Code. Investigations are directly placed under the supervision of a magistrate acting as a state counsel, who in turn is answerable to the Attorney General at the level of the Court of Appeal. Investigations are carried out by the judicial police and gendarmes who act as auxiliaries of the state counsel.

The duties of the judicial police are performed by judicial police officers, judicial agents and all other civil servants or persons to whom judicial police duties are assigned by law. They are responsible for investigating offences, collecting evidence, identifying offenders and accomplices, and bringing them before the legal department. They also receive complaints and reports against persons and carry out investigations, but must inform the state counsel without delay of the offences of which they have knowledge.

They equally execute rogatory commissions of judicial authorities. Investigations can be commenced by way of written or oral information, a written or oral complaint or a written report by a competent authority sent to the state counsel. The state counsel may also be seized of his or her own motion. Any person with knowledge about an offence classified as a felony or a misdemeanour can inform the state counsel or any judicial police officer thereof.

In the absence of any of the two, any administrative authority of the locality can be informed. In like manner, any public servant who in the exercise of his or her duties has knowledge of a felony or misdemeanour is required to inform the state counsel and forward to him or her any document relating thereto.

In the course of an investigation, a suspect can be arrested and placed under police custody for a period of 48 hours renewable once. An investigator may question any person whose statement is likely to lead to the discovery of the truth. Witnesses are heard separately and as much as possible in the presence of the defendant. If any person summoned for questioning fails to appear, the state counsel may issue a writ of *habeas corpus* compelling him or her to come.

The assistance of any expert or any person capable of assisting the investigator at any phase of the investigation can be requested. In cases of felonies and misdemeanours attracting imprisonment of at least two years, Section 92 (3) of the Code gives an investigator the right to intercept, record or transcribe all correspondences sent by means of telecommunications, and the right to take photographs at private premises, provided he or she has written authorization from the state counsel.

Section 102 of the Code demands that investigation processes should be secret and any person who assists in the investigations shall be bound by professional secrecy. A suspect should be immediately informed of the allegations against him or her and treated humanely both morally and materially as per Section 122 (i) of the Code. He or she should also be informed of his or her right to silence.

Preliminary investigation is obligatory in all felonies. It is conducted by an examining magistrate at the request of the state counsel by way of a judicial act in writing, known as a holding charge. The state counsel may at any stage of the preliminary investigation, by an additional holding charge, request the examining magistrate to perform any acts which he or she deems necessary for the discovery of the truth.

The examining magistrate is at liberty to visit any area within his or her jurisdiction to carry out all measures of investigations necessary for the discovery of the truth. He or she can carry out searches and seizures. Searches and seizures may also be carried out by judicial police officers who possess a

search warrant as per Section 93 (1) of the Code. He or she may however carry out searches without a search warrant in cases of misdemeanours committed in 'flagrante delicto'.

Where a search and seizure has been done by a judicial police officer, he or she is expected to make an inventory of the entire objects seized. They shall be placed under seal and deposited with the legal department. An examining magistrate can issue a bench warrant against a witness who fails to appear. He or she may also give a rogatory commission to any other examining magistrate or to a judicial police officer as per Section 152 of the Code. Where in the cause of hearing a witness, it is discovered that he or she is likely to be charged as a co-offender or an accomplice, he or she may be remanded in custody.

*A snippet from Fonachu née Fang
Helen Ike's Paper at
the 10th International Training Course
on the Criminal
Justice Response to Corruption*



GENERAL DIRECTION AND MANAGEMENT



Uganda's Permanent Representative at the United Nations visits UNAFRI

The Envoy, Dr Adonia Ayebare, recently paid a courtesy call on the Director of UNAFRI at the Secretariat in Kampala. The discussions, held on 30th June 2023, were aimed at strengthening the Institute's strategy for resource mobilisation with a focus on diversifying sources of support from a wide range of sources, including improving prospects for a possible increment of funding support from the United Nations.

UNAFRI is a member of the United Nations Crime Prevention and Criminal Justice Programme Network, which consists of the United Nations Office on Drugs and Crime

(UNODC) and a number of interregional and regional institutes around the world, in addition to specialised centres.

The network has been developed to assist the international community in strengthening co-operation in the crucial area of crime prevention and criminal justice. Its components provide a variety of services, including exchange of information, research, training and public education.

The scourge of sophisticated national and transnational organised crime; soaring costs of managing public utilities; and maintenance

of peace and security has become a global concern. Increased infiltration by criminals in the systems of public administration has negatively impacted the provision of social services and ultimately crippled Africa's socio-economic development agenda.

This situation makes it imperative for the continent to prioritise crime prevention and criminal justice administration in order to safeguard socio-economic development. UNAFRI's main mandate is the promotion of crime prevention and criminal justice through provision of technical assistance in identified areas of need.

It focuses on several key issues, which include promotion of knowledge based interventions; provision of advisory services for the development and implementation of regional and national strategies; action plans; and support of sector-specific programmes and projects.

UNAFRI receives budgetary support from the United Nations. The grant supports the Institute's programme activities

and emoluments for professional staff. Nonetheless, as the Institute focuses on its action plans for interventions against crime, there are concerns about the increased sophistication and impact of transnational crime, the attention to which requires increased resource packages for effective interventions.

To fulfil its Action Plan, the Institute needs more support and funding from the United Nations in a bid to enhance training, research and information dissemination, which are geared to curtailing crime. In this vein, the Institute is scheduled to recruit and fill up all the outstanding posts in the professional category.

On the basis of Dr Ayebare's exposure and strategic contacts at the UN, his courtesy call on the Director was crucial. It provided an opportunity to explore strategies and approaches for lobbying for support from relevant authorities at the UN, with particular focus on increasing the current levels of the UN Grant.



On the 21st of June 2023, UNAFRI held a zoom conference aimed at strengthening cooperation with the National Institute of Justice under the US Department of

Justice. The discussion centred on the establishment of an African Firearms Centre with support from the US government.

UNITED NATIONS CRIME COMMISSION CRIMINAL JUSTICE PROGRAMME NETWORK OF INSTITUTES WORKSHOP

Legal Safeguards for Victims of Crime in the Criminal Justice System: Challenges of Enforcement; the Case of Uganda, East Africa.

At this workshop, held in Vienna, Austria, in May 2023, UNAFRI's Legal and Training Consultant, Andrew Karokora Munanura delivered another paper, which is reproduced here-below.



*Dr Douglas Duran CHAVARRIA
Director of ILANUD on the left*

This paper discusses the challenges of enforcement of the substantive and procedural legal safeguards of victims of crime in the criminal justice system, with a particular focus on Uganda.

The term victim of a crime is not generally defined under any Ugandan law. It is only under specific legislation that one finds an attempt to define a victim, for example, under "The Domestic Violence Act"; a victim is defined as a person in a domestic

relationship who directly or indirectly suffers threatened or actual domestic violence.

Victims of crime have legal rights in Uganda and most African jurisdictions. Some of these rights, mostly guaranteed by the Constitution, include the right to be informed, attend, be present in court, and be heard at the various stages of the criminal justice system.

The following legislative framework largely governs Uganda's criminal justice system (this list is not exhaustive):

- i. The Constitution of the Republic of Uganda as Amended
- ii. The Penal Code, Chapter 120
- iii. The Criminal Procedure Code Act, Chapter 116
- iv. The Evidence Act, Chapter 6
- v. Trial on Indictments Act Chapter 23
- vi. Magistrates Court Act, Chapter 16
- vii. Community Service Act, Chapter 115

The institutions that deal with victims of crime:

- i. Uganda Police Force
- ii. Office of the Director of Public Prosecutions
- iii. Courts of Law

- iv. Uganda Prisons Service
- v. Probation and Welfare Departments
- vi. Uganda Law Society

Legal Safeguards

The Right to File a Complaint:

This is a substantive right available to a victim of crime derived from Article 50 of the Constitution.

The Challenge to enforcement of this right: The right to file a complaint has many other attendant costs that are left entirely to a helpless victim of crime. Many victims of crime encounter the fierce dragon of corruption at the commencement of filing a complaint at a police station and immediately drop the idea of pursuing the complaint. The idea of being asked for "fuel", "paper where to write", "airtime", "lunch", "transport money" etc. to facilitate the process of investigations is repugnant. The right to a remedy remains a distant dream in the circumstances. A victim of a crime is helpless to complain.

The Right to file a complaint is buttressed by the Right to appeal in case a victim remains unsatisfied. The challenges remain the same, with the victim having to incur legal fees and at times ending up with a judgment that may be difficult to enforce because the perpetrator is in jail or has no property to attach and sell.

The Right to participate in criminal proceedings

This right stretches from attending the accused's trial, hearing and seeing the prosecution's conduct of the case, and hearing and seeing the defence counsel's arguments. Where the victim is also a witness, his court attendance may be restricted or sequestered to the extent

that he doesn't benefit from the evidence of other witnesses. If the accused changes his plea, the victim should be informed/consulted for justice to not only be done but also be seen to be done.

The challenge to this right: This right faces the challenge of unprofessional and unhelpful prosecutors/ civil servants, where a victim of crime is provided with service below the acceptable standard. This is because there are no laws or standard guidelines that compel a prosecutor or civil servant to be diligent while serving a victim of a crime.

The right to be heard

Victims of crime have a constitutional right to be heard; the right to record their statements (if they are witnesses) at the police station but in the official language, which is English. This right includes the right to interact with the prosecutors freely.

The challenge to this right: The literacy rates in Uganda may have improved and currently are at 79%. However, most people are more comfortable speaking and reading in their mother/local languages. Translation of recorded statements are often challenged in courts of law due to mismatches arising out of translation technicalities.

The right to seek adequate compensation

Victims of crime have a right to seek adequate compensation. This right is generally obtained through civil action against the Attorney General or the accused person. There is no state-run programme that victims can apply to. If the accused doesn't have 'deep pockets', the victim will walk away empty-handed.

The challenges to this right: The claim for compensation in a civil court involves engaging a lawyer to institute a case. If

the victim is poor and cannot afford the lawyer's legal fees, they will most likely not pursue the matter or will lose out. **Discrimination:** compensation to a victim can be delayed because a victim of a crime holds different political opinions. The same happens on many other grounds ranging from tribe, social and economic status, age, sex, disability, etc., due to corruption and collusion; sometimes, the compensation to victims of crime is shared between government officials and the victim of crime.

The right to information

Victims of crime have a right to receive information about the progress of their case and all attendant processes that affect their case, including a copy of the court proceedings and judgment.

The challenge: Victims of crime encounter many physical barriers that deny them access to justice. Given the high poverty levels, it may be expensive to travel to court, to a police station, or pay for legal services. Victims with physical disabilities are significantly disadvantaged. Some courts or police stations are far from the community, making access difficult.

The right to security

Freedom from coercion, scare tactics, and frightening moves intended to demoralize a victim of crime and browbeating intended to discourage a victim from pursuing his case/rights.

The challenges of enforcement: Enforcement of this right mostly suffers from interference in the judicial or justice system by politicians or influential civil servants, rich persons, who bribe their way and defeat the victims' rights. Rule of law challenges include lack of respect for court judgments

and orders. The victims' rights are violated and cannot claim their rights. They lose confidence in the criminal justice system and consequently lose a job or property or take the law into their hands.

The right to receive personal property at the end of the trial process:

A victim of a crime has the right to receive their property at the end of the criminal trial process; that is, all exhibits of money and other personal property should be returned to the victim

The challenges of enforcement: Most exhibits, especially money and other valuable items, are lost at police stations because of corruption and other attendant ills that result in trials taking too long to be concluded. Most victims end up losing interest in their cases. Several officers neglect to perform their responsibilities because one has to pay a bribe to receive a service.

The right to a speedy and fair trial:

Victims of crime are entitled to a speedy trial just like the accused.

The challenges to this legal safeguard are the limited number of judges and magistrates to handle cases, hence the case backlog problem that the Ugandan judiciary is constantly burdened with. Corruption and abuse of office by judicial officers who neglect or have laid-back attitudes to work, exacerbate the situation.

In conclusion, substantive and procedural legal safeguards for victims of crime exist but the lack of a proper legal framework to take care of their interests remains the biggest impediment to the realization of their rights.



UNODC and UNAFRI Technical Working Committee Meets

The meeting, held on 19th April 2023, discussed issues which affect the sustenance of UNAFRI, viz: sustainable funding support and recruitment of international experts, all of which are within the mandate and influential status enjoyed by UNODC among the relevant authorities of the United Nations. The discussions focused on factors which would help in re-establishing the cordial technical relationship between UNAFRI and UNODC, and thus help UNAFRI to benefit from this coalition.

The unique challenges to the development of nations were discussed and analysed. These were attributed to a multiplicity of factors. The crime problem in Africa was seen as a major impediment to development and fighting it required multisectoral responses of institutional operations to boost capacity of the criminal justice systems. This calls for resources – financial, logistical and human – to meet the identified needs.

The UNODC was represented by: Ms Sharon Lesa Nyambe, the Head of the Institution's office in Uganda; Ms Diva Mukisa Associate

Programme Management Officer; and Henry Mukasa, the Communications Officer, while UNAFRI was represented by: Dr Kitio Edouard, the Director; John Sembuya Ssali, the Deputy Director; and Andrew Munanura, the Legal/Training Consultant.

UNAFRI has intensified its efforts in searching for effective partnerships and coalitions for joint programme implementation and support. In this process, UNODC was seen as a strategic partner for its status in the UN family and historic attachment to UNAFRI. The issues discussed were aimed at:

- i. re-opening the traditional links between the two institutions, with a focus on addressing the requirements for strengthened bilateral cooperation
- ii. re-setting the agenda for cooperation, targeting specifically the implementation of joint programmes, benefitting from mutual support and sharing of knowledge, experiences in identified areas of cooperation,

explicitly addressing linkages between the work of UNAFRI and UNODC on the basis of regional and international initiatives such as the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development

- iii. developing a new platform for addressing all the factors which caused the setback in relations,
- iv. promoting the needs of the Institute by UNODC, based on their comparative advantage in the regional and international fora (Third Committee of the UN General Assembly), where issues and concerns for the sustenance of UNAFRI, such as recruitment of international staff, beefing up the UN Grant and revamping the status of UNAFRI in the working relationship within the justice sector, are discussed.





- v. widening the frontiers of connectivity, exploring available prospects for joint lobbying and advocacy, from the donor community for budgetary support with a bias to include proposals and recommendations on further strengthening the capacity of the Institute

The meeting reviewed a summary of the activities undertaken by the Institute since mid-2020 and an analysis of crime and its detrimental effects on Africa's pursuit of the Sustainable Development Goals (SDGs). These activities had direct links to selected themes of the Kyoto Declaration, which calls for a comprehensive and multilateral approach in preventing and combatting crime. The implementation of these activities directly imposes on UNAFRI the need for bi-lateral cooperation with UNODC.

On the basis of historical knowledge about UNAFRI, the Country Director, UNODC

appreciated the concerns raised by UNAFRI and expressed commitment to provide a forum for support and promote the interests of UNAFRI, including proposals for an increase in the UN Grant. She explained that the opening of UNODC offices in the various regions of Africa was aimed at regionalisation of programmes for crime prevention and providing opportunities for institutional collaboration, by which UNODC would help to bring global perspectives to each region's efforts in strengthening its justice sector.

UNODC is currently tasked to draw a strategic vision for Africa to ensure provision of technical support in capacity building including provision of necessary tools and innovative mechanisms and digitisation of operations to countries with a specific content to address and avert radicalisation, youth criminality, drugs, poverty and unemployment, gender biases, unique challenges for women/children in prisons

and correctional challenges which affect rehabilitation and reintegration programmes for prisoners to prevent re-offending.

Ms Nyambe said that the silence and apparent break in the expected flow of relations between UNODC and UNAFRI was due to the on-going process of building a wider regional programme to support civil society organisations and other justice sector entities. This was in areas of environmental crime, prison management, cyber-crime, other economic crimes – money-laundering, terrorism and terrorism financing as well as promoting access to justice.

All these are areas where UNODC and UNAFRI have common leverage and can be factored in liaison programmes within the UN family to strengthen capacity of justice delivery, to help unblock the existing case backlog. Assessments in this area will inform the application of relevant options for adoption to support alternative dispute resolution processes (mediation, negotiation, reconciliation). These will help to diffuse outstanding cases.

UNODC has programmes for strengthening human rights, quality and standards through the provision of legal aid needed to support the law enforcement agencies and the overall legal service sector, targeting the Law Development Centre, Uganda Law Society and the civil society. UNODC is engaging in programmes for technical support to prevent economic crime and is in direct contact with the financial sector in Uganda, particularly the Financial Intelligence Agency for technical support in detection, prosecution and prevention of terrorism financing.

The meeting noted that donor space was shrinking. Even at the United Nations, there

is considerable decrease in budgetary support to its institutions. This is attributed to the impact of covid-19 pandemic and the Russia-Ukraine conflict. Consequently, she advised that we should be cautious when thinking about a review of the UN Grant. Instead available options in sourcing funding support should be explored.

There is need for innovative strategies for mobilisation of funding support, on the basis of harmonised projects between UNAFRI and UNODC, by which joint submissions can be integrated and delivered as one approach to potential donors outside the traditional sources of funding.

The meeting observed that within its meagre capacities and based on the similarity of mandates with UNODC, UNAFRI's work provided a strong basis for collaboration. The two entities agreed to work together, including utilising each other's existing frameworks, and infrastructure to accomplish identified performance targets.

On the basis of the existing traditional ties, UNODC would be using available conference facilities at UNAFRI for its training needs while UNODC agreed to involve UNAFRI in their programmes, starting with the imminent Annual Prosecutors' Symposium, scheduled for 25-27 April 2023, organised by the Office of the Director of Public Prosecutions, Kampala, with support from UNODC.

In this regard, UNAFRI was going to deliver a paper at the Symposium on 25 April 2023.

In conclusion, both parties agreed that in consolidation of their ties of cooperation they will continue with principled interactions and engagements to facilitate joint accomplishments in the immediate and future activities.

Technical Advisory Committee Holds Special Session

Members of the Governing Board's Technical Advisory Committee (TAC) convened at UNAFRI's Secretariat in Kampala, on 26th and 27th June 2023 at the invitation of the Chairperson of the Governing Board.

The latter is Ms Rose Mutombo who doubles as the Minister of State for Justice and Constitutional Affairs in the Democratic Republic of Congo.

The TAC members from the DR Congo, Ghana, Malawi, Mozambique and Uganda, convened to brainstorm on strategies of getting increased funding support, which

will sustain the Institute. Other issues on the agenda included proposals for recruitment of professional staff to fill vacant posts; and to propose dates and a venue for the next ordinary session of the Governing Board.

By Statutory requirement, all the vacant professional posts at UNAFRI are due for filling by non-Ugandan African experts, while that of Deputy Director is a preserve for Uganda --- as host of the UNAFRI.

Proposals made by the TAC will be brought to the attention of the Board Chairperson for her consideration.



INTERNATIONAL CONFERENCE ON MONEY LAUNDERING AND FINANCING OF TERRORISM IN WEST AND CENTRAL AFRICA:

CURRENT SITUATION, CHALLENGES AND FUTURE OPPORTUNITIES

UNAFRI held an international conference on money laundering and financing of terrorism in West and Central Africa on 16th May 2023 by zoom. The fight against **"dirty money laundering"**, or rather against money laundering, has become global since the **"Political Declaration and Plan of Action against Money Laundering"** adopted by the United Nations General Assembly in June 1998.

Several initiatives have been put in place. On 28th February 2013 in Yamoussoukro, Côte d'Ivoire, the ECOWAS countries adopted an **'ECOWAS Policy Statement and Common Position on Combating Terrorism'**. ECOWAS refers to the "Economic Community of West African States'.

The African Union, as part of its agenda 2063, assumes responsibility to fight against corruption and money laundering. These and many other initiatives reflect the will of our States to deal with the growing phenomenon of money laundering and financing of terrorism in Africa.

The main strategy to combat this is to control financial flows, suspicious commercial transactions and, above all, real estate transactions. The number of persons subject to anti-money laundering and anti-terrorist financing obligations is significant. In particular, checks are recommended for transactions above the threshold set by the regulations in force. Banks and other

financial institutions are called upon to contribute and are required to denounce in case of suspicion. That is what is known as **'the suspicious transaction report'**.

The conference was attended by a number of experts and serviced by professionals in the field of anti-terrorism and financial analysis. Six experts of different nationalities delivered their presentations in their areas of competence as indicated herebelow;

i) Dr. DOUGLAS DURAN CHAVARRIA, Director of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (**ILANUD**), *member of the International Society for Criminology's Scientific Commission; former lecturer in universities in the Americas, Europe and Africa; author of several publications in criminology, penitentiary system, criminal policy, juvenile justice, restorative justice and prevention*].

Sub-theme No. 1:

Trends of terrorism and its axes of development in West and Central Africa.

By: Colonel Fulbert IBARA, Doctor of Economic Science, Real Estate Expert, Judicial Expert at the Court of Appeal of Brazzaville, International Consultant (Directeur du Cabinet CEXL3E);

Sub-theme No. 2:

The response of states with regard to international, legislative, International Human Rights Law : legislative, aspects, institutional and repressive aspects.

By: Mr. Martial ADJAH, Banking Expert and International Finance, Judicial Expert to the Court of Appel of Cotonou, Expert in Regulatory Banking and Fight Against Money Laundering.

Sub-theme No. 3:

Obligations of Bankers and other professionals in the Fight Against Money Laundering and Financing of Terrorism.

By: Prof. Grégoire JIOGUE, Agrégé of the Faculties of Human Rights, Titular Professor at the University of Yaoundé II (Cameroon), Lecturer at the International School of War of Yaoundé.

Sub-theme No. 4:

Challenges of the Fight Against Money Laundering and the Financing of Terrorism for African Economies in general and Financial Institutions in particular.

By: Mr. Cheikh Mouhamadou Bamba NIANG, Senior Magistrate, member of CENTIF Senegal, Chairman of the Working Group on the Evaluation and Conformity (GEC) of GIABA

Sub-theme No. 5:

Techniques for the investigation, prosecution and Repression of Economic and Financial Offences and prospects for improving the system in the West and Central Africa Sub-Region.

By: Dr. SOCKENG Roger, Doctor of Human Rights, Senior Magistrate, Adviser at the Supreme Court of Cameroon, Expert-Trainer in Human Rights.

Others who participated included several officials from government, judiciary, law enforcement, private sector institutions and academia from Algeria, Burkina Faso, Cameroon, Central African Republic, Chad, Ivory Coast, Equatorial Guinea, Benin, Morocco, Mauritania, Mali, Togo, Niger, and Senegal.

A number of vital resolutions and useful proposals were made to strengthen the fight against terrorism through controls and checks on identified sources of illicit financing. Several experts from various countries came to know about UNAFRI and its mandate for the first time. Since then, some countries have since expressed intention to sign up as member States of UNAFRI by acceding to the Statute of membership. This is expected to translate into improved support for the Institute's programme implementation.



ORGANIZED CRIME AND TRANS- BOUNDARY CRIME: SECURING ATTENDANCE OF ACCUSED PERSONS, WITNESSES AND PROCEEDS OF CRIME.



This was a presentation by **Munanura Andrew Karokora, the Legal and Training Consultant of UNAFRI at the** Symposium of Prosecutors organised by the Office of the Director of Public Prosecutions (DPP) in Kampala – Uganda on 25th April 2023.

What is Organized Crime?

Organized crime comprises, by implication, the practical activities of organized criminal groups. These may consist of several persons who commit serious crimes over time for profit.

Meaning of Organized Crime.

There needs to be more consensus on the meaning of organized crime. Countries treat organized crime in divergent ways; some treat it as Mafia, some formation functioning in the underworld, or some alien conspiracy. The reality is that these are criminal entrepreneurs who form, reform, split and come together according to circumstances.¹

¹ Annette Hubschle, *Organized Crime in Southern Africa*, first annual review, Institute for Security Studies, 2010 p.7.

There is, however, some agreement that the term organized crime includes the following: -

- It is a structured group of criminals,
- That is homogenous
- Exists outside the parameters of the formal economy

Gastrow provided a slightly different perspective that the term is as applicable to a group as it is to an activity:

*"Organized crime consists of those serious criminal offences committed by a criminal organization, which is based on a structural association of more than two persons acting in concert over a prolonged period in pursuit of both their criminal objectives and profits."*²

The Palermo Convention does not define organized crime but provides a definition of an organized group and then criminalises participation in such a group.³

Generally, a state exercises criminal jurisdiction over offences within its geographical boundaries. Therefore, criminal jurisdiction is territorial, mainly in nature. The increasing mobility of persons across national borders has enabled offenders/suspects to escape arrest, prosecution, conviction and punishment by fleeing the territory of one state to seek refuge/shelter in the territory of another. Because of this increasing mobility of criminal suspects, there is a need for cooperation in criminal justice matters.

² Peter Gastrow, *Organized crime in the SADC region: Police Perception*, Institute for Security Studies (ISS), Monograph No. 60 August 2001, ISS Pretoria

³ Article 2 of the Palermo Convention (United Nations Convention against Transnational Organized Crime)

What kinds of criminal activities are undertaken by organized criminal groups

- Smuggling and Illegal importation of goods and counterfeit commodities; electronic goods, cigarettes, tobacco products, petrol and diesel, counterfeit bank notes, audio-visual materials, cosmetic products, sugar, Liquor/ alcohol, firearms, fake medicine etc.
- Drugs; cannabis, hashish, heroin, cocaine, methamphetamines, khat, Subutex
- Smuggling of stolen motor vehicles; transcontinental smugglers
- Smuggling of endangered species and rare minerals; poaching, timber especially of precious wood
- Financial crimes and money laundering;
- Organized crime occurs in the form of smuggling of high-risk goods, especially liquor and cigarettes;
- Tax evasion schemes involving officials conniving with importers to smuggle goods, which may be duty-free elsewhere and attract VAT and other taxes in other jurisdictions, under-declaration, non-declaration etc
- Human trafficking
- Corruption: Corruption is linked to organized crime through the collision between private and public sector actors and criminals. Corruption facilitates organized crime and is an integral part of and plays a role in every aspect of it.

Securing attendance of accused persons, witnesses and proceeds of crime

Extradition: Extradition arrangements and mechanisms impose a legal obligation on a state party to extradite, without which such an obligation would not exist.

The Legal Framework: The Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988; (Article 6); The Model Treaty on Extradition, 45/116; Uganda has its own Law on Extradition, Cap 117 Laws of Uganda.

Extradition can take place under the following arrangements: -

- i. Extradition through reciprocal arrangements
- ii. Extradition through multilateral treaties or schemes.
- iii. Extradition through bilateral treaties
- iv. Extradition through unilateral domestic legislation which allows extradition as practised in Japan

Extradition can be used in combination with other less well-entrenched, cooperative methods, such as:

- States can also agree on prosecuting fugitive offenders instead of extraditing them.
- The transfer of the enforcement of sentences
- Transfer of sentenced persons.
- The Interpol RED NOTICE is a helpful mechanism for effecting a provisional arrest.

Deportation, cross-borders, and abductions are generally discouraged from a human rights perspective.

Extradition Procedures:

Extradition procedures are very critical in extradition arrangements.

- A provisional arrest can be requested in very deserving cases, pending the submission of appropriate documents for extradition.
- The person to be arrested should be accurately described in necessary detail.
- The urgency of the case should be shown
- A warrant of arrest or court judgment from the requesting state should be ready for presentation at any stage of the process.
- The extradition request should cite enabling legislation, treaty or arrangement, the statement of the offence alleged to have been committed, applicable penalty, and circumstances surrounding the commission of the crime in a detailed but precise manner. The request should be in the language of the requested state,
- Most African states request through the diplomatic channel or Ministry of Justice.

Issues to note in the preparation of extradition requests

- Not all offences are extraditable. A treaty or agreement will determine the extraditable crimes.

- A treaty may adopt the enumerative method, i.e., enumerating the extraditable violations, or states may determine extraditable offences by fixing a minimum penalty above which an offence becomes extraditable (Eliminative method).
- Whatever the method used, there are crimes which are traditionally considered to be non-extraditable. These include political and military crimes.

Mutual Assistance in Criminal Matters

Legal Framework:

- United Nations Model Treaty on Mutual Assistance
- The Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988; Article 7

International Legal Assistance Mechanisms

- Mutual Assistance- This is a mechanism of cooperation in criminal matters which is broader and more flexible. Mutual assistance includes the taking of evidence or statements of persons, the provision of documents or evidentiary items, the service of documents, search and seizure and the temporary transfer of persons to assist in investigations or appear as witnesses.
- The Instruments available to render mutual assistance
 - i. Bilateral treaties
 - ii. Multilateral treaties

- iii. Domestic legislation

Preparation or Execution of the Request

- It is always helpful to seek information from the requested state on how to present the request before submitting it.
- It is generally accepted that the information and evidence provided are used solely for the purpose specified in the request unless the parties agree otherwise.
- Most mutual assistance agreements and schemes include a component of cooperation in tracking, restraining and forfeiting the proceeds of crime. This ensures that the criminal does not profit from his conduct on top of the punishment.
- Notwithstanding agreements, many state parties lack internal mechanisms for requesting or responding to requests for mutual assistance. Treaties and conventions should be self-implementing.

Alternatives to Legal Assistance.

- i. Commission meetings, bilateral and multilateral, usually created by neighbouring or sub-regional states to address common problems, including the arrest of fugitives etc.
- ii. Liaison officers are usually exchanged by neighbouring or sub-regional states, sometimes including judicial or law enforcement officers with specific assignments.

- iii. Task forces or direct police cooperation for addressing specific problems, collecting intelligence, exhibits etc.
- iv. Border authorities or cooperation between bordering communities often deal with security and maintaining law and order.

Challenges and Problems in the Fields of Extradition and Mutual Assistance

- Fugitive and detention laws are not homogeneous in most countries; a suspect is detained in one country and quickly released on bond in another.
- Weak border posts with enforcement officers who are lethargic
- Regional cooperation to foster joint operations and strategies for managing all forms of cross-border and attendant crime;
- Law enforcement cooperation- there is a need for cooperation between countries about harmonizing law enforcement agencies involved in fighting organized crime.
- Lack of a centralized crime database, a centralized crime database where information on crime types, modus operandi, criminals and criminal groupings can be uploaded and accessed, would go a long way in helping fight organized crime.
- The lack of organized crime legislation.
- Language barriers in the different jurisdictions (Anglophone Vs Francophone)
- Extradition processes or legal wrangles complicate extradition.
- The lack of intelligence and intelligence data to analyse group structures and formations in a holistic manner necessary to curb organized crime.
- Weak Laws; the benefits of drug trafficking far outweigh the penalties.
- The prosecution of most cases in our jurisdiction is still witness-based, and witnesses in organized crimes are difficult to come by.
- Corruption numbs even the best law enforcement strategies and intentions, paralyzes systems and interferes with the performance of the criminal justice system.

Cross Reference

1. *The United Nations Convention Against Transnational Organized Crime.*
2. *The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Res 55.25*
3. *The Protocol Against the Smuggling of Migrants by Land, Sea and Air, Res/55/25*
4. *The Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their parts and Components and Ammunition Res/55/255*
5. *The United Nations Convention Against Corruption*

Recruitment of a Bilingual Secretary at UNAFRI



With the Director's assumption of duty on March 1, 2023, the recruitment of a bilingual secretary became a necessity. The same month, the Secretariat of the Institute launched a call for applications for the post which led to the shortlisting of candidates for the interview with

the select committee set up by the new Director.

Following this interview which took place at UNAFRI headquarters on April 11 2023, the committee selected Mrs. Kobusinge Bigirwa Grace. She assumed office on May 15, 2023.

