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There have been several scandals in the limelight involving corruption and top government officials. These scandals concern the loss to corruption of money meant for primary health care (HIV/AIDS, tuberculosis and malaria), infrastructural development, state expenditure and the like. The culprits are mostly high-level officials, such as cabinet ministers and permanent secretaries. One such scandal involved the former Vice President of the country. It is believed that the ACD has sparked some fears among senior members of government with some of its decisions.<sup>11</sup> However, grand corruption continues to flourish and it seems that prosecutions continue to focus on the petty offences. Selected ACD cases are discussed below in an attempt to understand its role in the fight against corruption in Uganda.

#### **4.2.1 *Uganda v Teddy Ssezi Cheeye*<sup>12</sup>**

The accused was the head of economic monitoring in the President's office before he was charged with corruption. He fraudulently set up a company that was used to swindle money meant for a project to fight tuberculosis, AIDS and malaria. The project was funded by the Global Fund and was worth 120 000 000 Ugandan Shillings. The funds were channelled through the Ministry of Health. This money was supposed to reach destitute Ugandans through an NGO. The accused seized this opportunity to start up a company which won the tender, and money was deposited into its account in 2005. The account was cleared within 19 days after the deposit, but the prosecution adduced evidence that the company did not carry out a single activity for which it had been contracted. The details of this scandal reached the prosecution through a whistle-blower, who was an insider but who had not benefited from the deal.

This was one of the first cases to be tried by the ACD.<sup>13</sup> The judge stated that the offence is termed a white-collar crime, which is translated loosely as an unconventional but sophisticated crime undergoing an alarming increase in Uganda. He remarked that the crime-fighting techniques available in Uganda are unlikely to combat such crime effectively enough to satisfy justice. It is the kind of crime that is committed behind closed doors and in circumstances which leave no records or trail which could be followed. Information

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11 Kalumiya (2009), available at <http://www.traceinternational.org> (accessed on 19 August 2015).

12 High Court Criminal Case (HCCC) No 1254 of 2008.

13 Mugisa *New Vision* 16 December 2008.

about the crime is exposed only through the efforts of insiders who decide to become whistle-blowers. Without their help, the prosecution would find it difficult to obtain the necessary evidence to proceed against the perpetrators.

The trial resulted in a conviction. This, though, was not a grand corruption case in the sense that the offender was a mere functionary in the presidential office, not a senior government official. However, the amount of money that was swindled does bring the case within the scope of grand corruption.

#### **4.2.2 *Flight Captain George Michael Mukula v Uganda*<sup>14</sup>**

Mike Mukula was a state minister in the Ministry of Health. He was implicated in the embezzlement of 210 000 000 Ugandan Shillings, constituting funds received from GAVI, the Global Alliance for Vaccines and Immunisation. The money was a gift to Uganda and was credited to the first lady's office through the Ministry of Health. Mukula was in charge of withdrawals. He was implicated along with the Minister of Health, the Honourable Jim Muhwezi. Mukula went through a full trial and was convicted and sentenced to a four-year prison sentence by the Magistrates' Court of the ACD, while Muhwezi never faced trial. Mukula appealed the decision of the Magistrates' Court to the High Court of the ACD. The grounds of appeal were, among others, that the Chief Magistrate erred in law when she failed to analyse properly the evidence as given at the trial, thereby arriving at a wrong conclusion. The appellate court found that the evidence was not scrutinised and evaluated well enough by the trial court. The conviction and sentence therefore were quashed. Mukula later called his trial a political prosecution and condemned it as selective justice.

#### **4.2.3 *Uganda v Professor Gilbert B Bukenya***

This is a corruption scandal that did not lead to a criminal trial. Professor Bukenya was the Vice-President in President Museveni's government from 23 May 2003 until 23 May 2011,<sup>15</sup> and a constituent member of parliament. He was accused of and jailed briefly for abuse of office and fraud in relation to the Commonwealth Heads of Government Meeting (CHOGM)

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14 HCCC No 1 of 2013.

15 Wanambwa *Daily Monitor* 24 May 2011.























































