The Republic of Uganda

INSPECTORATE OF GOVERNMENT

PRESS STATEMENT

On the **5th April 2012**, the Constitutional Court delivered a judgment in **Constitutional Petition No.46 of 2011 and Constitutional Reference No. 54 of 2011**, filed by Hon. Sam Kuteesa, Hon John Nasasira and Hon. Mwesigwa Rukutana who were charged at Anti Corruption Division of the High Court for Abuse of Office and causing financial loss contrary to Section 11 and 20 of the Anti-Corruption Act. The judgment among others, declared that when the Inspectorate of Government is not fully constituted, it cannot prosecute or cause prosecution under **Article 230 of the Constitution**; and that for the Inspectorate of Government to be fully constituted, it must have an Inspector General and two Deputy Inspectors General.

The Inspectorate of Government which has stepped up its prosecution functions with a view to effectively dealing with the scourge of corruption is aggrieved by the said decision. The Inspectorate of Government has accordingly:

1. Decided to appeal the decision of the Constitutional Court, to the Supreme Court. The notice of appeal has already been filed.

2. Clarifies to the public that the decision of the Constitutional Court did not amount to an acquittal of the accused persons, neither did it amount to their discharge or dismissal of the cases against them.

3. In cognizance of the need to comply with judicial decisions as an aspect of the rule of law and good governance, to which the Inspectorate is committed, and which it is mandated by the Constitution to promote, decided to request the

Director of Public Prosecutions to take over and continue with prosecution of all cases initiated by the Inspectorate of Government, currently pending in courts of law, through public prosecutors that the Director would appoint. The Director of Public Prosecutions has accordingly appointed some lawyers at the Inspectorate of Government as public prosecutors, in accordance with powers vested in him by law to continue prosecuting those cases pending in Courts of law.

4. As the declaration by the Constitutional Court did not relate to investigations, the Inspectorate of Government will continue to investigate complaints reported to it.

5. The above measures have been taken to ensure that the fight against corruption continues unabated, as the appointing authority handles the issue of fully constituting the Inspectorate as required by law.

6. Corruption is a vice that has potential to undermine socio-economic development, service delivery and political stability. It therefore, has to be fought vigorously, consistently and persistently. The Inspectorate of Government, therefore, calls upon all people of good will to join in the fight to ensure the suspects of corruption who are already cornered are not given any breathing space; room for manoeuvre or opportunity to wriggle out of their predicament without trial.

Baku Raphael Obudra

Ag. INSPECTOR GENERAL OF GOVERNMENT

11th April 2012