

Police Corruption in Cameroon and Uganda: A Comparative Analysis

A Dissertation submitted in partial fulfilment of the requirements for the award of the Master of Laws Degree (LLM) in Human Rights and Democratisation in Africa, Centre for Human Rights, Faculty of Law, University of Pretoria.

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29 October 2007

DECLARATION

I, the undersigned Polycarp NGUFOR FORKUM have the honour to attest to the fact that:

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DEDICATION

Dedicated to my beloved wife Mrs NGUFOR Marie-Goretti NGWI NGOCHIA.

Acknowledgements

A researcher is like a pilgrim caught in the thick, sticky asphalt of the forest darkness. He needs a light to find an egress, and hence thrust his way through the topsy-turvy Dom. This sacred light I found in my charismatic supervisor, Professor J. Oloka-Onyango. To him, this work owes a tremendous, ineffable, part of its success.

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The fertile ground was, of course, prepared by me; hence I stand accountable for any short coming.

Polycarp Ngufor Forkum
Kampala, October 2007.

Forward

Prayer against Bribery and Corruption in Cameroon

Heavenly Father,
You always provide for all your creatures,
So that all may live as you have willed.
You have blessed our country Cameroon
With rich human and natural resources,
To be used to your honour and glory,
And for the well-being of every Cameroonian.
We are deeply sorry for the wrong use
Of these gifts and blessings
Through acts of injustice,
Bribery and corruption,
As a result of which many of our people
Are hungry, sick,
Ignorant and defenceless.
Father,
You alone can heal us and our
Nation of this scourge.
We beg you, touch our lives
And the lives of our leaders and people,
So that we may all realise the evil of bribery and corruption,
And work hard to eliminate it.
Raise up for us God-fearing people
And leaders who care for us,
And who will lead us in the path
Of justice, peace and prosperity.
We ask this through Christ our Lord.
Amen.

Source: National Episcopal Conference of Cameroon

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List of Abbreviations

ACCU	Anti Corruption Coalition Uganda
ACHPR	African Charter on Human and Peoples' Rights
AG	Auditor General
ASP	Assistant Superintendent of Police
ATI	Access to Information
AU Anti-Corruption Convention	African Union Convention on Preventing and Combating Corruption
AU	African Union
CID	Criminal Investigation Department
COP	Commissioner of Police
CPF	Cameroon Police Force
CRTV	Cameroon Radio and Television
DEI	Directorate of Ethics and Integrity
DGNS	Delegate General for National Security
DPP	Directorate of Public Prosecutions
ENSP	National Advanced Police School
GDNS	General Delegation for National Security
GMI	Groupement Mobile D'Intervention
IAF	Inter Agency Forum
IGG	Inspectorate General of Government
IGP	Inspector General of Police
IP	Inspector of Police
JIC	Judicial Integrity Committee
NACC	National Anti-Corruption Committee
NGOs	Non-Governmental Organisations
NPF	Nigeria Police Force
NRM	National Resistance Movement
PAC	Public Accounts Committee
PC	Police Constable
PPDA	Public Procurement and Disposal of Public Assets Authority

PRO	Public Relations Officer
SADC Protocol against corruption	Southern African Development Council Protocol against Corruption.
SDF	Social Democratic Front
SIC	Société Immobilière du Cameroun
SP	Superintendent of Police
SSP	Senior Superintendent of Police
TI	Transparency International
UCB	Uganda Commercial Bank
UPF	Uganda Police Force
WCPF	West Cameroon Police Force

CHAPTER ONE: INTRODUCTION

1.1 Background to the study

Corruption is as old as Creation.¹ As early as 335 BC, Aristotle warned that states wishing to prevent revolutions had better reduce the social inequalities arising out of corrupt practices by those in public affairs.² Polybius compared the lax standards of political values in Carthage where ‘...nothing which results in profit is regarded as disgraceful,’ with the Roman standards which condemn ‘unscrupulous gain from forbidden sources.’³ Polybius concludes that laxity in moral values in Carthage led to social decay, whereas the high discipline and political standards of the Romans, accounted for the growth of the Roman Empire.⁴ Although an ancient practice, corruption remains one of the most destructive phenomena in human history. The response to corruption may not be same but all agree that it is an impediment to development and human progress.⁵ Corruption leads to the violation of human rights. Indeed, the demand for integrity in the management of public affairs has been the concern of every society.⁶ This justifies the need to fight corruption.

As is the case with almost all countries of the world (Cameroon⁷ inclusive), corruption has bedevilled Uganda since the grant of independence in 1962.⁸ A reading of the

¹ G Lambsdorff ‘The Institutional Economics of Corruption and Reform: Theory, Evidence and Policy’ <<http://www.icgg.org/>> (accessed on 19 August 2007).

² K Kibwana & al ed *The Anatomy of Corruption in Kenya Legal, Political and Socio-Economic Perspectives* (1996) 118.

³ W Eienstein *Great Political Thinkers* (1962) 108.

⁴ As above.

⁵ G Feifer ‘Russia: Police Corruption Chokes Progress’ <<http://www.freiserbia.net/Articles/2003/Corruption.html>> (accessed on 15 July 2007).

⁶ Masalu Musene ‘Corruption in the Uganda Judiciary: A Myth or Reality’ *Uganda Living Journal* Vol. 1 No. 2 (2003).

⁷ CM Fombad ‘Endemic Corruption in Cameroon: Insights on Consequences and Control.’ in KR Hope, Sr. ABC Chikulo (eds) *Corruption and Development in Africa* (2000) 45.

history of the country since then has been one of graft, nepotism, tribalism and the widespread looting of public coffers, evident as early as the Congo gold scandal in 1966,⁹ to the Global Fund AIDS/malaria scandal in 2005.¹⁰ In 1970—in response to the public outcry over corruption—the Obote 1 government passed the Prevention of Corruption Act. (PCA).¹¹ In Cameroon corruption is attributed to the new deal government of President Biya¹² dating as 1982 when he manifested outright tolerance with the corrupt.¹³ He could only yield of late due to international pressure. This is when Transparency International (TI) rated the country successively (1998/9) as the most corrupt country.¹⁴ Biya thus created the National Anti-corruption observatory (NACO) in 1999 which was mainstreamed into 29 ministries. These efforts notwithstanding, corruption persists. A study carried out in Cameroon by the services of the Supreme state Control shows CFA 2000 billions embezzled between 1998 and 2004.¹⁵ Biya later sounded very disappointed with the incompatibility between the efforts deployed to reduce corruption and the scandalous enrichment of a minority at the expense of the majority.¹⁶ He threatened 'Je voudrais aujourd'hui dit très solennellement qu'il faut que cela cesse'.¹⁷ These threats were to materialise with the launching on February 2006 of

⁸ Commonwealth Human Rights Initiative E-magazine Vol 3 June 2005 <<http://www.humanrightsinitiative.org/>> (accessed on 22 august 2007).

⁹ H Onoria 'Legislative and Policy Measures in Uganda *vis-à-vis* Practical Challenges of Compliance with AU anti-corruption Convention' (2005)6.

¹⁰ As above.

¹¹ Prevention of Corruption Act (No. 8 of 1970).

¹² 'Cameroon history'

<http://cameroon.disabilityafrica.org/documents.php?action=view_doc&doc_id=798&screen=1024> (accessed on 24 July 2007).

¹³ IRIN NEWS 'CAMEROON: New anti-corruption drive leaves many skeptical' YAOUNDE, 27 January 2006 <http://www.monitor.upeace.org/innerpg.cfm?id_article=432> (accessed on 22 August 2007).

¹⁴ BP Talla.'Paul Biya. Un itinéraire politique atypique' *Marchés Nouveaux No.13. 21 ans à la tête de la l'Etat. Ce que Paul Biya promet aux Camerounais pour les années à venir* (2003)4.

¹⁵ Valentin Siméon ZINGA 'Fonds publics: Près de 2000 milliards détournés en six ans' DOUALA - 17 SEPTEMBRE 2007 *La Nouvelle Expression* <http://www.cameroon-info.net/cmi_show_news.php?id=20485> (accessed on 22 August 2007).

¹⁶ Les mêmes mots pour les mêmes maux. Message du Chef de l'Etat à la Nation 31 décembre 2005 *Le Messenger* No 2036 (Mardi 03 Janvier 2005) 7.

¹⁷ As above. 'I want to solemnly declare today that this should stop' My Translation.

the 'operation epervier' which unearthed the scandals of Gilles Roger Belinga,¹⁸ Gerard Emmanuel ONDO NDONG,¹⁹ and others.

In the fight against corruption, the Police have a primordial role to play. This work posits that most anti corruption efforts have failed²⁰ or met very little success because of the holistic approach centred on fighting grand corruption at the expense of petty corruption which to many seems negligible and can be tolerated.²¹ The present study builds a model where much effort could be devoted to combat Police corruption and then use the corrupt free Police in the holistic fight.

From a historical perspective, the concept of policing though old has evolved overtime. Even primitive societies had some form of policing.²² The concept of policing and 'the Police' as we know it today, are fairly recent phenomena.²³ The Police in any society have as mission the maintenance of law and order, the enforcement of rules and regulations amongst others.²⁴ This is as per the Police Acts of Cameroon²⁵ and Uganda.²⁶ From the foregoing, it can be seen that the importance of the Police for any community cannot be overemphasized.

¹⁸ Eugène Dipanda 'Affaire Sic : 35 ans de prison ferme pour Gilles Roger Belinga' Yaoundé - 28 Septembre 2007 *Mutations* <http://www.cameroon-info.net/cmi_show_news.php?id=20590> (accessed on 30 September 2007).

¹⁹ As above.

²⁰ Robert Williams and Alan Doig 'Achieving success and avoiding failure in anti-corruption Commissions: developing the role of donors' <www.U4.no p 2> (accessed on 15 September 2006).

²¹ Anti-Corruption Summit 2000: United Nations Presentation 'Why anti-corruption crusades often fail to win lasting victories' <<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan010748.pdf>> (accessed on 25 August 2007).

²² P Pondi *La Police au Cameroun (Naissance et évolution)* (1988)15.

²³ H- P, VIGNILA *Police : le défi des années 2000* (1982)45.

²⁴ Decree No 2001/065 of 12 March 2001 to lay down the special rules and regulations of employees of the corps of the National Security, art 2 (1).

²⁵ Decree No 2002/03 of January 4th 2002 organising the General Delegation for National Security, arts 3 and 4.

²⁶ The Police Statute, 1994 (Statute No. 13 of 1994).

Besides, the Police Acts of Cameroon²⁷ and Uganda²⁸ prohibit corruption since this undermines efficiency, thereby creating favourable grounds for human rights violations.²⁹ The absolute prohibition on corruption by the Police is reiterated in these terms by the UN: 'Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts'.³⁰ It goes further to state that

...any act of corruption, in the same way as any other abuse of authority, is incompatible with the profession of law enforcement officials. The law must be enforced fully with respect to any law enforcement official who commits an act of corruption, as Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce the law against their own agents and within their agencies.³¹

This prohibition notwithstanding, deviant behaviour of the Police in terms of corruption defeats the objective of this force³² created to ensure that the enjoyment of rights by one person does not impact negatively on the general good.³³ A brief overview of corruption in Cameroon and Uganda shows the uncontrollable level of corruption of macro-economic proportions.³⁴ The extent of corruption can be better illustrated by the observations of Ei-Wathig and Ibrahim Kursony³⁵ whom with respect to Sudan see corruption as unavoidable because it torches on upon the live of every citizen.³⁶

²⁷ n 24 above, arts 6, 21(2), 27(a), 28 and 94(e).

²⁸ n 26 above, sec 23.

²⁹ n 24 and n 26 above.

³⁰ Code of Conduct for Law Enforcement Officials Adopted by General Assembly Resolution 34/169 of 17 December 1979 art 7

<http://www.hrea.org/erc/Library/display.php?doc_id=1050&category_id=12&category_type=3&group=> (accessed on 5 August 2007).

³¹ As above, Commentary (a).

³² M Daruwala & C Doube *Police Accountability: Too Important to Neglect, Too Urgent to Delay* (2006)45.

³³ P. Cronje *Manual on Human Rights Training for Police in Commonwealth West African Countries* (2005) 7-8.

³⁴ Robert Shaw in *Africa Analysis* (AA) (No 170).

³⁵ n 2 above, p79.

³⁶ D Kaufmann 'Corruption: The Facts'

<http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/fp_summer97.pdf> (accessed on 19 August 2007).

1.2 The nexus between Corruption and Human Rights.

Corruption undermines the legitimacy of government, democratic values, human rights and respect for the rule of law.³⁷ The effects of corruption on development³⁸ have left many African states grappling with what is today regarded as an international problem.³⁹ Corruption results in grave violations of socio-economic rights, condemns people to extreme levels of poverty and often leads to social unrest.⁴⁰ For example in 1971, when Idi Amin overthrew Obote's Government in a military coup d'état, he cited corruption as one of his eighteen reasons for doing so.⁴¹ The effect of corruption is more dramatically felt in the economic sphere relative to others.⁴² In spite of the absolute prohibition on corruption, the fight against corruption may not be seen as a human rights issue. However, it becomes very topical to human rights because it is a springboard for various violations. This link between corruption and human rights is best expressed by Ezel Akay, when he writes,

Confronting corruption is not traditionally viewed as a human rights activity. But the links are inescapable. Corrupt officials often implement human rights abuses. Their corruption sabotages the democratic systems of accountability so necessary for the monitoring and protection of human rights. Conversely, policies of repression serve to deliberately prevent the kind of democratic mobilization, participation and transparency that would allow civil society to take on corruption and confront the entrenched power of those it enriches. Corruption and human rights abuse are mutually self sustaining.⁴³

³⁷ P Anassi, *Corruption in Africa: The Kenyan experience* (2003) 13.

³⁸ C W Gray & D Kaufmann 'Corruption and Development' *Finance & Development* / March 1998 <<http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/gray.pdf>> (accessed on 19 August 2007).

³⁹ CR Kumar 'Corruption and human rights: promoting transparency in governance and the fundamental right to corruption free service in India' (2003) 17 *Columbia Journal of Asian Law* 31.

⁴⁰ M Kiai 'The human rights perspective on corruption.' Paper presented at the Tom Mboya symposium (2004).

⁴¹ B Masinde 'The challenges of judicial corruption to Uganda's justice system' (2005)2.

⁴² n 2 above, p107.

⁴³ E Akay *A Call to End Corruption: One Minute of Darkness for Constant Light* (2003)6

In other words, Corruption is a breeding ground for human rights violations.⁴⁴ Hence to enjoy human rights we must address corruption taking into account the symbiotic relation existing between the two. Corruption appears to thrive unrestrained and unchecked under non-democratic forms of government than in democracies. In effect, democracy (and its accompanying accountability) is fundamental to the battle against corruption. Governments under the rule of law, an independent and fearless judiciary, and an active and vibrant civil society are basic ingredients in the advancement of the democratic process.⁴⁵ The struggle against corruption can be advanced and helped in respective African nations if the struggle for democracy and human rights can be won.⁴⁶

1.3 Definition of key terms

For an in-depth understanding of our topic of research, key terms need to be defined in order to situate them in the appropriate context.

1.3.1 Police

The term 'Police' is used to describe the government department charged with the preservation of public order, the promotion of public safety and the prevention and detection of crime.⁴⁷ As such, Mbarga sees the term 'Police' to be synonymous with civil servants of the corps of the National Security.⁴⁸ In this study, the term Police should be read as synonymous with 'law enforcement officials' who '...includes all officers of the law, whether appointed or elected, who exercise Police powers, especially the powers of arrest or detention.'⁴⁹

⁴⁴ Kiraitu Murungi 'Corruption is a crime against humanity' *ADILI* Issue 38 June 16, 2003 <<http://www.tkenya.org/documents/Adili38.pdf>> (accessed on 26 August 2007).

⁴⁵ Ayodele Aderinwale (ed) *Corruption, Democracy and Human Rights in West Africa* (1994)3.

⁴⁶ As above.

⁴⁷ Mbarga Mbarga VH *The frontier Police and its socio-professional context* (1999) 14.

⁴⁸ As above, p 15.

⁴⁹ United Nations. High Commissioner for Human Rights *Human Rights and Law Enforcement. A Manual on Human Rights Training for the Police* (1997)55.

1.3.2 Corruption⁵⁰

Various definitions of the term 'Corruption' has been offered by the World Bank,⁵¹ Anti-Corruption Resource Centre⁵² and also by TI⁵³ depending on the particular practice at hand.⁵⁴ In Cameroon and Uganda as well as elsewhere, the word 'corruption' has attained an unassailable prominence in journalistic literature, parliamentary debates, official reports, opposition party rhetoric and day to day conversation among members of the public. A scrutiny of the discussions and reports invariably unearths a litany of accusations and counter accusations, allegations and denials of corrupt practices, quite often interspersed with statements of indignation and bravado. For example, the German (Berlin) based NGO TI is quoted⁵⁵ to have rated Cameroon in 1998 as the most corrupt country in the world. In yet another article,⁵⁶ the publication of TI raised several accusations and counter accusations. While the Government of Cameroon in a communiqué by the then Deputy Secretary General of the Presidency Chief Ephraim Inoni published in the pro-government paper *Cameroon Tribune* and broadcast over Cameroon Radio Television (CRTV) contested the report, private newspapers⁵⁷ confirmed the alarming rate of corruption in Cameroon. Phillippe Triay-Koné details the accusations of the Social Democratic Front (SDF) on the complicity of the ruling government besides pointing to similar cases within the ranks of the SDF. Mention is made of the practice of corruption in the Police,⁵⁸ the treasury,⁵⁹ and the University to

⁵⁰ A.J. Heidenheimer (ed) *Political Corruption: Readings in Comparative Analyses* (1976) (n 2 above) 119.

⁵¹ D Kaufmann 'Corruption, Governance and Security: Challenges for the Rich Countries and the World' (2004).

⁵² <http://www.U4.no>.

⁵³ Transparency International (TI) <http://www.transparency.org/news_room/faq/corruption_faq> (accessed on 25 September 2007).

⁵⁴ Adetoro OO 'A human rights approach to combating corruption in Africa: Appraising the AU Convention using Nigeria and South Africa' (2005) 13.

⁵⁵ P Triay-Koné 'Corruption. Le Combat de Transparency International, *Jeune Afrique Economie*, No 272 du 5 au 18 Octobre 1998 (64-65).

⁵⁶ P Triay-Koné 'Corruption. Le Scandal', *Jeune Afrique Economie*, No 272 du 5 au 18 Octobre 1998 (80-83).

⁵⁷ *La Nouvelle Expression, Mutations, L'Effort Camerounaise*.

⁵⁸ Y H Ndiela 'Study: Cameroon Still Corrupt; Customs, tax office, police top most compromised departments' 06-04-2007

name but a few of the sectors.⁶⁰ In this mix of sentiments, a search for an all embracing and comprehensive definition of corruption can hardly be rewarded with any measure of success.⁶¹ A.J. Heidenheimer⁶² draws from the two schools of thought in the social sciences, the legal dimension and public perception, to propose some characteristics of a corrupt practice. Others of a similar view include Stanislav Andreski,⁶³ M. Macmilan,⁶⁴ J.S Nye and D.H.Bayley,⁶⁵ Carl Friedrich,⁶⁶ Arnold A. Rogow and H.D. Lasswell.⁶⁷ The second school of thought is the market-centred or economic theory-type definitions whose vision is related to demand and supply arguments derived from classical economic theory. Indeed, they seek to explain the incidence of corruption on purely economic terms. Proponents of this school include Nathaniel Jeff,⁶⁸ Jacob van Klaveren⁶⁹ and Robert Tilman.⁷⁰ The economic definitions of corruption are important in that they provide a framework within which an analysis of the impact of corruption on the economic programmes of a country may be carried out. Besides, there is the legal definition found in legislations such as the Penal Code, and in anti Corruption statutes.

In Cameroon, the term 'Corruption' is defined in the Penal Code,⁷¹ the law on the election of members of parliament⁷² and inferred in the Police Statute.⁷³ In Uganda the

<http://findarticles.com/p/articles/mi_m0JQP/is_327/ai_30301362?Istpn=article_results&Istpc=search&Istpr=external&Istprs=other&Istwid=1&Istwn=search_results&Istwp=body_middle> (accessed August 24 2007).

⁵⁹ State treasurers solicit bribes of 30 per cent of any bill they are to settle.

⁶⁰ P Triay-Koné 'Comment Transparency International mesure le degré de corruption' *Jeune Afrique Economie*, No 272 du 5 au 18 Octobre 1998 (84-85).

⁶¹ n 2 above, p 27.

⁶² A.J. Heidenheimer (ed) *Political Corruption: Readings in Comparative Analysis* (1978)4-6 (n 2 above) 28.

⁶³ 'Kleptocracy as a System of Government in Africa' (n 2 above) 28.

⁶⁴ 'Corruption in the Public Services of British Colonies and Ex-colonies in West Africa', in n 2 above, p 319.

⁶⁵ 'The Effects of Corruption in Developing Nations' *Western Political Quarterly* Vol. XIX, No.4 (December 1966(719-732) (n 2 above) 28.

⁶⁶ 'Political Pathology' *Political Quarterly* 37 (1966)74 (n 2 above) 28.

⁶⁷ Power, Corruption and Rectitude (1967)132-133 (n 2 above) 28.

⁶⁸ 'Economic Development through Bureaucratic Corruption' *American Behavioral Scientist*, 8:3 (Nov. 1964) (8 – 14) (n 2 above) 29.

⁶⁹ 'The Concept of Corruption', reproduced in Heidenheimer 39 (n 2 above) 29.

⁷⁰ 'Emergence of Black-Market Bureaucracy: Administration, Development and Corruption in the New States' *Public Administration Review* (1968) 440-442 (n 2 above) 29.

⁷¹ Law No. 65/LF/24 of 12 November 1965 and No. 67/LF/1 of 12 June 1967 to institute the Penal Code.

⁷² Law No. 91/20 of 16 December 1991 to lay down conditions for the election of members of parliament.

definition is captured in the Leadership Code Act (LCA), the Prevention of Corruption Act (PCA) and the Police Statute, all of which are discussed in Chapter 2. However, borrowing from Hussein Alatas⁷⁴ 'corruption' could be said to include characteristics such as betrayal of trust; deception of a public body, private institution or society at large; involvement of more than one person or party; amongst others. Alatas goes on to identify seven distinct types of corruption,⁷⁵ including the following: transactive, extortive, defensive, investive, nepotistic or nepotism, autogenic and supportive corruption. The difficulty of an all encompassing definition of corruption is best explained by Gong who aptly points out that corruption is not a static notion but a dynamic one which evolves over time and differs from one society to the next.⁷⁶ The definition of corruption must encompass the commission or omission⁷⁷ as well as attempted corruption.⁷⁸ The broadness of the concept of corruption warrants us to limit our emphasis to Police corruption.

1.3.3 Police Corruption

Police corruption is seen to have occurred when a Police officer uses and abuses his position of trust and authority to his own personal advantage, rather than to the benefit of the institution or for the advantage of society as a whole. Police corruption is a specific form of Police misconduct sometimes involving political corruption, and generally designed to gain a financial or political benefit for a Police officer or officers in exchange for not pursuing, or selectively pursuing, an investigation or arrest. It may occur in a passive or active form.⁷⁹ Passive corruption occurs if a Police officer is approached with a favour or a request. For instance, someone may offer money, gifts or liquor in exchange for a favour from the Police officer, for example not to report a crime. In

⁷³ n 24 above.

⁷⁴ Syed Hussein Alatas *Corruption It's nature, Causes and Functions* (1990)1-2 (n 2 above) 33.

⁷⁵ As above.

⁷⁶ T Gong, *The politics of corruption in contemporary China: An analysis of policy outcomes* (1994)36.

⁷⁷ n 30 above, Commentary (b).

⁷⁸ n 30 above, Commentary (c).

⁷⁹ n 33 above, p34.

passive corruption, the Police officer may receive an advantage without having specifically sought it. In such a case, a Police officer is considered to have been 'bought.' Active corruption occurs if a Police officer approaches a person with the purpose of selling a favour or a gift. This is done by intimidating, threatening or blackmailing a person. In active corruption, the Police officer is the hunter who wants to force a favour onto someone. In such a case, the Police officer wants to 'sell' his/her position of authority. Both active and passive corruptions are unethical. Generally, Police Corruption ranges from bribery to organized crime.⁸⁰

The community expects Police officers to apply the law in an unbiased manner. When a Police officer abuses his given authority for personal gain, he places himself in a position in relation to the community such that he cannot serve it without prejudice.

Police corruption can cause a huge damage to the reputation of any Police agency. Police officers are there to uphold the law and not to break it by committing acts of corruption or acting in an illegal way. In spite of formal prohibitions, there are Police officers all over the world who will find some excuse to commit and justify acts of corruption. One of the most popular excuses is that Police are underpaid.⁸¹

1.4 Research Question

What is the extent of corruption in the Police in Cameroon and Uganda?

What is the impact of Police corruption, and

What best practices on anti-corruption measures in the Police can be identified in Cameroon and Uganda?

1.5 Objectives of the study

To explore the effectiveness of the measures to fight Police corruption in Cameroon and Uganda;

To examine the role of the Police in the fight against corruption

⁸⁰ http://en.wikipedia.org/wiki/Police_corruption (accessed on 16 August 2007).

⁸¹ Judicial Commission of Inquiry into Corruption in the Uganda Police Force *Report of the Judicial Commission of Inquiry into Corruption in the Uganda Police Force* (2000)452.

To establish the correlation between corruption, policing and human rights, and
To see what best practices in combating Police corruption can be identified.

1.6 Literature Survey

Much has been done on corruption by organizations such as TI,⁸² the World Bank,⁸³ the Institute of Security Studies (ISS),⁸⁴ African Policing,⁸⁵ and the Commonwealth Human Rights Initiative (CHRI)⁸⁶ amongst others. In spite of this apparent good deal of literature on corruption in general,⁸⁷ Police corruption has been of little interest to researchers. This work is an attempt to fill this vacuum.

The absence of works on Police corruption in Cameroon can be as a result of the fear of Police harassment. This explains why Linus T. Asong, in his novel *The Akroma File*, explores the various forms of Police corruption in an extended metaphor.⁸⁸ The book details the various forms and practices of corruption by the Police in Cameroon, and by extension the larger Cameroonian society. Practices that catch the pen of this social critic include the selling of Cameroonian nationality, the issuance of multiple national identity cards, assisting travellers in smuggling goods, and the extortion of foreigners and nationals amongst others. This novel is referred to as '...a rare fictional exploration of criminology.'⁸⁹ This novel attracted a sociological analysis of Police Corruption.⁹⁰ In contrast, the current study is rooted in a legal analysis of the phenomenon.

In a report on the Nigerian Police entitled: *Human Rights Practices in the Nigerian Police*, Clement Nwankwo highlighted massive violations of human rights in the Police

⁸² <<http://www.transparency.org/>>.

⁸³ <<http://worldbank.org>>.

⁸⁴ <<http://www.issafrica.org>>.

⁸⁵ <<http://www.africanpolicing.org>>

⁸⁶ <<http://www.humanrightsinitiative.org>>

⁸⁷ Nkwa, JP 'Corruption and its effects on human rights in Africa' (2000).

⁸⁸ A metaphor is a figure of speech in literature.

⁸⁹ SA Ambanasom 'Book Review *The Akroma File*' The Post 6 February 1998 5.

⁹⁰ Ayugho E A 'Crime and Human Destruction in Linus Asong's *The Akroma File*' (1999).

often manifested in Police corruption⁹¹ amongst others. Here Police Corruption is situated within the broader context of violations. This study is based on Police Corruption.

In 'The Impact of Corruption on Governance: An Appraisal of the Rule of Law in Kenya,' Mirugi-Mukundi seeks to analyse the impact of corruption on good governance and the rule of law in Kenya.⁹² She pays no attention to Police Corruption which is what this work intends to do.

In *Police Powers and Human Rights in Cameroon*,⁹³ MN Alobwede examines the police excesses in Cameroon and devotes just a paragraph to police corruption. Alobwede's work, as well as that of Ashu⁹⁴ have the limitation of being general and only consider Police corruption in passing. Besides these works are limited to Cameroon. The present study does not only tackle Police corruption but goes beyond the borders of Cameroon to Uganda.

Unlike Cameroon, in Uganda the question of corruption in general and Police corruption in particular has received much attention from the powers that be in Uganda. In 1999 Tom Butime, then Minister responsible for Internal Affairs set up a Judicial Commission of Inquiry into Corruption in the Uganda Police Force.⁹⁵ The terms of reference of this Commission⁹⁶ included amongst others carrying out investigations into:

- . Specific allegations of corruption and the mismanagement of criminal investigations, made against three top officers in the Criminal Investigations Department (CID) of the UPF;⁹⁷
- . General allegations of corruption and mismanagement in the UPF;⁹⁸

⁹¹ C Nwankwo 'Youth and Campaign Against corruption' in Afe Babalola 'Legal and Judicial System and Corruption' in n 45 above, p155 (153-157).

⁹² GT MIRUGI-MUKUNDI 'The Impact of Corruption on governance: An Appraisal of the Rule of Law in Kenya' (2006).

⁹³ MN Alobwede 'Police Powers and Human Rights in Cameroon' (2004).

⁹⁴ Ashu, J 'Society and the Police' (2003).

⁹⁵ Legal Notice No. 2 of 1999, The Commission of Inquiry Act, CAP 56.

⁹⁶ Codenamed the 'Sebutinde Commission,' since it was headed by Lady Justice Julie Sebutinde.

⁹⁷ n 95 above, art 4 (b).

⁹⁸ n 95 above, art 4 (a).

. Any other matters incidental to the foregoing⁹⁹ and to make appropriate recommendations on its findings,¹⁰⁰ including recommendations for improving the efficiency and effectiveness of the force.¹⁰¹ It is on this basis that the commission examined the origin of corruption in the UPF;¹⁰² its manifestations, causes,¹⁰³ solutions and recommendations¹⁰⁴ which the Commission strongly felt should be implemented if the crusade against corruption in the UPF is to succeed.¹⁰⁵ The 756 page report is so far the most comprehensive study of corruption in any Police organisation in Africa.¹⁰⁶ The report is not simply hypothetical, but practically takes into account specific allegations of corruption and mismanagement specified in the instrument of appointment;¹⁰⁷ oral and written complaints from the general public against the Police¹⁰⁸ (some of which are attached in the appendix);¹⁰⁹ complaints from Police officers against the Police or particular officers; anonymous complaints against the Police;¹¹⁰ general allegations of corruption and inefficiency in the Police Force;¹¹¹ and memoranda and submissions from interested parties and groups.¹¹² While lauding the good work of the Commission, it had some setbacks especially since it was hosted by the Ministry of Interior and some of those who had to facilitate the Commission financially were the subject of such an investigation¹¹³ with the resultant effect of conflict of interest. This dissertation sees in such a Commission a best practice to be imitated by the Cameroon Police Force.¹¹⁴ Though not all the recommendations have been implemented the report remains a

⁹⁹ n 95 above, art 4 (c).

¹⁰⁰ n 95 above, art 4 (d).

¹⁰¹ n 81 above, p. 2.

¹⁰² n 81 above, p. 10

¹⁰³ n 81 above, p. 449-455.

¹⁰⁴ n 81 above, p. 459-484.

¹⁰⁵ n 81 above, p. 1

¹⁰⁶ It can be compared to BC Parks 'Board of inquiry into the Rampart Area corruption incident' Los Angeles Police Department March 1, 2000 (375 pages).

¹⁰⁷ n 81 above, p. 15-91.

¹⁰⁸ n 81 above, p. 96-235.

¹⁰⁹ n 81 above, appendix Two p. 7-220.

¹¹⁰ n 81 above, p. 321.

¹¹¹ n 81 above, p. 455.

¹¹² n 81 above, p. 6-7.

¹¹³ For example the then IGP Cossy Odomel.

¹¹⁴ n 81 above, p. 5.

source of reference for managers of the UPF¹¹⁵ and by extension the Cameron Police Force.

Yet another work entitled 'The Police, the People, the Politics: Police Accountability in Uganda',¹¹⁶ conducted within the framework of a comparative study of the Police in East Africa¹¹⁷ seeks to examine the UPF, looking particularly at illegitimate political control, the impact of that control on policing, and the reform answers that will provide a more democratic and more accountable Police service to the Uganda people.¹¹⁸ Although the study mentions corruption in the UPF,¹¹⁹ in general and the work of the Sebutinde Commission¹²⁰ in particular, it is limited to Uganda.

Ogundokun in 'A Human Rights Approach to combating Corruption in Africa: Appraising the AU Convention using Nigeria and South Africa',¹²¹ just like his contemporaries does not mention the vital role the Police is expected to play in fighting this scourge.

Folusho De-grata Shado in 'The torn veil: Access to information(ATI) as a tool for combating corruption with reference to Uganda'¹²² contends that promoting access to information as a tool for fighting corruption will reduce the opportunities that perpetrators of corruption and their accomplices have to engage in corrupt practices. SHADO's emphasis is on ATI on the holistic fight against corruption with no mention of the role of the police which this work intends to highlight.

¹¹⁵ Commonwealth Human Rights Initiative. The Police, the People, the Politics: Police Accountability in Uganda (2006) 21-22.

¹¹⁶ Commonwealth Human Rights Initiative (2006) The Police, the People, the Politics: Police Accountability in Uganda'.

¹¹⁷ Commonwealth Human Rights Initiative (2006) The Police, the People, the Politics: Police Accountability in Tanzania'.

¹¹⁸ n 116 above, Acknowledgements.

¹¹⁹ n 116 above, p 9-10.

¹²⁰ n 116 above, p 20-22.

¹²¹ OA Ogundokun 'A Human Rights Approach to combating Corruption in Africa: Appraising the AU Convention using Nigeria and South Africa' (2005).

¹²² FD Shado 'The torn veil: Access to information as a tool for combating corruption with reference to Uganda' (2004).

1.7 Limitations of the study

The study is limited to corruption as it pertains to the Police, i.e. Police corruption. Examples from elsewhere will simply serve for comparative purposes.

1.8 Justifications for the Study

The choice of 'police corruption' 'Cameroon' and 'Uganda' is not accidental. The temporal scope can be justified by the wish to situate best practices and the likelihood of a possible transfer between the two countries. The substantive scope is justified by the fact that Police corruption is the springboard of Police ills and therefore a fertile ground for human rights violations.

1.9 Methodology

This study relies significantly on secondary data gathered from the library such as books, articles, case law, international and domestic instruments and internet sources. The writers' experiences from both societies will also inform the write-up. Interviews and focus group discussions will be resourceful in order to give more authenticity to the topic.

1.10 Structure of the Work

The work is divided into six Chapters. Chapter one is general introduction, to the study. Chapter Two respectively explores the relevant international and regional anti-corruption instruments on one hand and the relevant constitutional frameworks and national legislations on the other hand.

In Chapter Three we explore the Police as a propagator of corruption. The various facets of corruption practiced by the Police in Cameroon and Uganda are explored. Corruption is seen to be part and parcel of all sectors of Police work. The chapter ends with the view of Police Corruption by the Press.

Chapter Four sets out to analyse the causes of Police corruption. As such, poor remuneration, weak administrative controls, amongst others is seen as either the causes of Police corruption or fertile ground on which it sprouts.

Chapter Five is the conclusion and recommendation on criminal and civil measures that can be employed to control Police corruption. The work ends with problems encountered, proposes solutions, indicates the contribution of the work to existing research work and gives suggestions for future research.

CHAPTER TWO: THE LEGAL AND INSTITUTIONAL ANTI-CORRUPTION FRAMEWORK.

2.1 Introduction

This chapter identifies and examines the legal and institutional framework on combating corruption in general and particularly Police corruption in Cameroon and Uganda. The chapter commences by discussing the United Nations Convention against Corruption (UNCAC)¹²³ to which Cameroon¹²⁴ and Uganda¹²⁵ are signatories and the AU Anti-Corruption Convention¹²⁶ to which Uganda¹²⁷ is a signatory. It then analyses the principal domestic legislative framework aimed at combating corruption in Cameroon and Uganda which are the Prevention of Corruption Act (PCA), 1970¹²⁸; the Police Statutes of Cameroon¹²⁹ and Uganda¹³⁰; the Penal Code of Cameroon (PCC)¹³¹; and the Cameroon law on the election of members of parliament,¹³² amongst others.

2.2 The International legal framework

Fighting corruption internationally serves amongst others to promote the respect for human rights and to uphold the rule of law. Given that corruption is universal, the dire need for international standards, procedures and methods cannot be overemphasised.

¹²³ United Nations Convention against Corruption 2003 (UNCAC) United Nations resolution 58/4 of 31 October 2003. Sourced www.unodc.org/crime_convention_corruption.html (accessed 26 September 2007).

¹²⁴ Cameroon signed and ratified the United Nations Convention against Corruption on the 10 December 2003 and 06 February 2006 respectively.

¹²⁵ Uganda signed and ratified the UNCAC on the 09 December 2003 and 09 September 2004 respectively.

¹²⁶ African Union Convention on Preventing and Combating Corruption 2003 (AU Convention on Corruption) Sourced <www.africa-union.org/.../Treaties_%20Conventions_%20Protocols/off_Treaties_Conventions_&_Protocols.htm> (accessed 26 September 2007).

¹²⁷ Uganda signed this treaty on the 30 August 2004 and Cameroon is yet to.

¹²⁸ n 11 above.

¹²⁹ n 24 above.

¹³⁰ The Police Statute (No. 13 of 1994) Uganda.

¹³¹ n 71 above.

¹³² n 72 above.

Some global initiatives to fight corruption include the UNCAC,¹³³ the United Nations Convention against Transnational Organised Crime 2003,¹³⁴ and the International Code of Conduct for Public Officials.¹³⁵ At the African regional level, legal instruments on corruption include the AU Anti-Corruption Convention, the Southern African Development Council (SADC) Protocol against Corruption 2001,¹³⁶ and the Economic Council of West Africa (ECOWAS) Protocol on the Fight against Corruption 2001.¹³⁷

These instruments are aimed at promoting and strengthening the development of mechanisms and policies that would prevent, detect, punish and eradicate corruption. For the purposes of this dissertation, the focus is limited to the UNCAC which both Cameroon and Uganda have ratified and the AU Anti-Corruption Convention which Uganda is a signatory to. The other instruments may only be applied for comparative purposes.

2.2.1 The United Nations Convention against Corruption (UNCAC) 2003.

The UNCAC represents the first binding global agreement on corruption that has elevated anti-corruption action to the international stage. This need was expressed by General Obasanjo in 1994: 'If war criminals, terrorists and drug traffickers are usually hunted down with the help and assistance of all nations, it is only fair and right that there should be no safe heaven for any corrupt leader who had heaped intolerable harm on his people and country.'¹³⁸ UNCAC came in 2003 as an answer. A brief survey of the substantive provisions of the Convention is therefore important in appreciating the mechanisms it envisages in preventing and addressing corruption, which essentially hinge on the practice of the rule of law in a bid to curb the scourge.¹³⁹ UNCAC insists on

¹³³ United Nations resolution 58/4 of 31 October 2003. Sourced www.unodc.org/crime_convention_corruption.html (accessed 26 September 2007).

¹³⁴ U.N. Doc. A/45/49 (Vol. I) (2001), *not in force*.

¹³⁵ United Nations International Code of Conduct for Public Officials.

¹³⁶ Southern African Development Council (SADC) Protocol against Corruption 2001 sourced <<http://www.issafrica.org/cdct/index.htm>> (accessed 26 September 2007).

¹³⁷ Economic Council of West Africa (ECOWAS) Protocol on the Fight against Corruption 2001.

¹³⁸ General Olusegun Obasanjo. 'Key note Address' n 45 above, p 36.

¹³⁹ United Nations Declaration against Corruption and Bribery in the International Commercial Transactions G.A. U.N. Doc. A/51/49 (Vol. I) (1996).

each state party ensuring the existence of a body of independent persons specialized in combating corruption through law enforcement.¹⁴⁰ In an effort to implement this provision, Cameroon and Uganda have both established Anti-Corruption Commissions.

UNCAC¹⁴¹ requires states parties to incorporate into their domestic legal systems measures to provide protection against any unjustified treatment of a whistleblower to the competent authority.¹⁴² Cooperation between national authorities¹⁴³ and the private sector¹⁴⁴ is encouraged in an effort to combat corruption. Mutual legal assistance between states in the investigation, prosecution and judicial proceedings¹⁴⁵ is to be afforded to 'the fullest extent possible'.¹⁴⁶ It is anticipated that such policies and practices should promote the participation of society and reflect the principles of the rule of law, the proper management of public affairs and public property, integrity, transparency and accountability.¹⁴⁷

With reference to the public sector, the UNCAC champions the recruitment and promotion of civil servants based on principles of efficiency, transparency and objectivity,¹⁴⁸ public officials are required to make declarations of their assets;¹⁴⁹ establish systems based on transparency, competition and objective criteria for public procurement and the management of public finances.¹⁵⁰

While the UNCAC has innovative and laudable provisions—which if effectively implemented domestically would address the bane of corruption through the rule of law—the existence of claw back clauses couched in words such as '...in accordance

¹⁴⁰ UNCAC art 36.

¹⁴¹ UNCAC art 33.

¹⁴² A whistle blower is a person who reports incidence of corruption in good faith and on reasonable grounds to the competent authorities. See <<http://en.wikipedia.org/wiki/Whistleblower>> (accessed 25 September 2007).

¹⁴³ UNCAC art 38.

¹⁴⁴ UNCAC art 39.

¹⁴⁵ UNCAC art 46 (1).

¹⁴⁶ UNCAC art 46(2).

¹⁴⁷ UNCAC art 5.

¹⁴⁸ UNCAC art 7.

¹⁴⁹ UNCAC art 8.

¹⁵⁰ UNCAC art 9.

with fundamental principles of domestic law'¹⁵¹ and taking measures '...to the greatest extent possible within a domestic legal system'¹⁵² choke the envisioned potential of the substantive provisions of the UNCAC. This is because states may employ such discretion to limit and constrain the actions of various actors to the detriment of fighting corruption.

2.2.2 The African Union Convention on Preventing and Combating Corruption 2003

The AU Anti-Corruption Convention sends a positive signal of improving transparency and good governance in Africa.¹⁵³ The Convention acknowledges that corruption undermines accountability and transparency in the management of public affairs as well as socio-economic development on the continent.¹⁵⁴

The AU Advisory Board on Corruption is set up as a monitoring mechanism within the Convention.¹⁵⁵ Its objectives are to promote and encourage the adoption and application of anti-corruption measures on the continent as well as collect and document information on the nature and scope of corruption and related offences.¹⁵⁶ It is also required to advise African governments on how to deal with the scourge of corruption and consequently submit a regular report on the progress made by each state party in complying with the provisions of the Convention.¹⁵⁷ State parties are required to empower their domestic courts and other competent authorities to give valid confiscation or seizure orders of bank, financial or commercial documents with a view to implementing the Convention.¹⁵⁸

¹⁵¹ UNCAC art 23.

¹⁵² UNCAC art 31.

¹⁵³ K Olaniyan 'The African Union Convention on Preventing and Combating Corruption: A critical appraisal' (2004) *4 African Human Rights Law Journal* 74.

¹⁵⁴ n 126 above, para 7.

¹⁵⁵ The AU Advisory Board on Corruption is set up as a monitoring mechanism of the AU Anti-Corruption Convention and it is to adopt its own rule of procedure according to AU Anti-Corruption Convention article 5(6).

¹⁵⁶ n 126 above, art 22 (5).

¹⁵⁷ n 126 above, art 22 (5).

¹⁵⁸ n 126 above, art 17(3).

An innovative provision is its express provision forbidding states to invoke banking secrecy to justify state parties' refusal to cooperate with regard to acts of corruption and related offences.¹⁵⁹ This provision serves to reduce the attractiveness of jurisdictions that often serve as safe heavens for stolen money.¹⁶⁰

Though the objectives of this Convention sound laudable; like most other treaties, the major problem lies with translating these lofty objectives into reality. What is needed is a strong political will on the part of states, to address corrupt practices which, unfortunately in most instances is lacking or inadequate, as evidenced by the rampant corruption on the continent.

2.3 The domestic legal framework

The Government of Uganda unlike Cameroon¹⁶¹ has pursued anti-corruption programmes since the mid 1970s. However, the malpractice has persisted and in some cases intensified in Uganda over recent years, suggesting that the remedial measures taken have not been significantly effective.¹⁶² The oldest law on corruption in Uganda—the PCA¹⁶³—dates back to 1970.

2.3.1 Cameroon

2.3.1.1 The Penal Code of Cameroon (PCC).¹⁶⁴

The PCC defines corruption in almost the same terms as the Uganda Police Statute (See 2.3.2.1). In effect the definition captures bribery,¹⁶⁵ active¹⁶⁶ and passive¹⁶⁷ corruption.

¹⁵⁹ n 126 above, art 17(1).

¹⁶⁰ n 153 above.

¹⁶¹ IRIN NEWS 'CAMEROON: New anti-corruption drive leaves many skeptical' YAOUNDE, 27 January 2006 (IRIN) in http://www.monitor.upeace.org/innerpg.cfm?id_article=432 (accessed August 22 2007).

¹⁶² L Chweya 'The government Anti-Corruption programme, 2001-2004' in B Sihanya (ed) *Control of corruption in Kenya: legal-political dimensions 2001-2004* (2005).

¹⁶³ Prevention of Corruption Act Cap 65 Laws of Kenya.

¹⁶⁴ n 71 above.

¹⁶⁵ n 71 above, sec 134.

¹⁶⁶ n 71 above, sec 134 (a).

In addition to the above, the PCC lays down other offences which are assimilated to corruption within the scope of the fight against corruption. They include; interest in grant,¹⁶⁸ interest in concern,¹⁶⁹ indulgence.¹⁷⁰ The penalty is imprisonment for from six months to ten years and with a fine of from twenty thousand to two million francs or with both such imprisonment and fine.¹⁷¹

2.3.1.2 The law on the election of members of parliament ¹⁷²

Pursuant to the relevant provisions of the law governing the election of members of parliament, offenders shall include whoever 'directly or by any other person on his behalf, makes any gift, donation, promise or grant of any employment, whether in the public or private sector, or other individual benefits in order to influence the vote of electors or whoever solicits or accepts from the candidates any gift, donation, favour or benefits in order to vote in their favour'.¹⁷³ The penalty is imprisonment for from three months to two years and a fine of ten thousand to one hundred thousand francs or with both such imprisonment and fine.¹⁷⁴

2.3.1.3 The Police Act ¹⁷⁵

The Police Statute of Cameroon does not expressly denounce corruption, but the attitude of the legislation towards corruption can be perceived from a combined reading of articles 6, 21 (2), 27(a), 28, and 94(e) on the one hand and disciplinary precedents on the other.

Article 6 is the lone article that pronounces the word 'corruption', without defining it. It insists that to be recruited into the Police, one must not have been sentenced to

¹⁶⁷ n 71 above, sec 312.

¹⁶⁸ n 71 above, sec 135.

¹⁶⁹ n 71 above, sec 136.

¹⁷⁰ n 71 above, sec 137.

¹⁷¹ As above.

¹⁷² n 72 above.

¹⁷³ n 72 above, sec 15.

¹⁷⁴ n 72 above, sec 16.

¹⁷⁵ n 24 above.

imprisonment for --- corruption, embezzlement of public funds and breach of trust---¹⁷⁶
Reading this into the definition of corruption, one can infer that the legislators are addressing the endemic problem of corruption.

Besides, police corruption is addressed when the legislators, writing on the duties and obligations of a Police officer insist that 'he shall be bound to loyally, faithfully, impartially, honestly, promptly and efficiently discharge his duties in accordance with the laws and regulations in force.'¹⁷⁷ Without necessarily using the word 'corruption,' an interpretation of this provision will show that the legislators frown at corruption.

Furthermore, article 27(a) forbids any Police official 'to have, personally or through third parties, interests of whatever appellation in a service to which he belongs, to which he contributes or with which he collaborates which might undermine his independence.'
The issue at stake here is 'insider trading' in which most of the high ranking police officials get involved in the Cameroon and UPF.¹⁷⁸ The Sebutinde Commission found it very difficult to detect such companies especially when it has to do with third parties.¹⁷⁹

Finally, in article 94(e), which lists disciplinary offences, 'offences against honour, duty and honesty' such as a 'dishonest act committed in private life and which is detrimental to the renown of the Police'; 'appropriation of objects or items belonging to others'; 'false declaration of the loss or destruction of personal objects during service'; 'partiality or favouritism in exercise of functions'; 'dishonest act or compromise that undermines the esteem of the Police', details corrupt practices and is a pointer to the attitude of the legislators to the subject.

As shown above, the Police Act in Cameroon does not define corruption. It is necessary for it to be defined in order to avoid conflicts during prosecution. For example, the defence counsel for Gilles Roger Belinga¹⁸⁰ claimed that National Housing Corporation

¹⁷⁶ As above, art 6.

¹⁷⁷ As above, art 21(2).

¹⁷⁸ IGP Odomel Cossy as in n 81 above, p 451.

¹⁷⁹ n 81 above, p 411.

¹⁸⁰ n 18 above.

(SIC) is not by law a state corporation and hence their client could not be prosecuted for mismanagement of public funds.

2.3.1.4 National Agency for the Investigation of Financial Crimes

In May 2005, a Presidential decree created a local branch of the National Agency for the Investigation of Financial Crimes (ANIF). Part of its mission is to fight money laundering, corruption-related enrichment, and the embezzlement of public funds. The president appointed officials to the agency in August 2005, and they were sworn in September 2005. On January 25, 2006 the government officially launched the activities of ANIF. On February 3, 2006 ANIF conducted a working session with the managers of the financial institutions to train them on how to effectively participate in the fight against corruption.

2.3.1.5 The Audit Bench of the Supreme Court

In June and August 2005, the government hired 22 potential candidates for the Audit Bench of the Supreme Court. On August 24, they started a two-months training at the National School of Administration and Magistracy. In early December 2005, the President appointed the Audit Bench Magistrates, who were sworn in. The Audit Bench is now fully operational.¹⁸¹

2.3.1.6 The National Anti-Corruption Observatory (NACO)

In Cameroon's initial report to the African Commission for Human and People's Rights¹⁸² this structure is mentioned as one of the 'other structures for human rights promotion in Cameroon.'¹⁸³ The setting up in ministries and other public or para-public services of internal anti-corruption units was by instructions of the Prime Minister;¹⁸⁴ supervisor and

¹⁸¹ 2007 Investment Climate Statement – Cameroon Openness to Foreign Investment at <http://www.state.gov/e/eeb/ifd/2007/80687.htm> (accessed 20 October 2007).

¹⁸² Initial Report of the State of Cameroon to the African Commission on Human and Peoples' Rights Report spanning from independence to 31 December Pretoria(2002)29.

¹⁸³ The others are: The National Commission on Human Rights and Freedoms; the National Elections Observatory; the Audit Bench and the Constitutional Council.

¹⁸⁴ See Circular note No.005/CAB/PM of 18 July 2001

coordinator of these units. Nevertheless, it should be mentioned that many of these anti-corruption units could not function smoothly because of inadequate financial and material means. Besides, the mainstreaming of these units into ministries who are the subject of corruption could not lead to any success. These and other weaknesses led to the creation of an independent structure.¹⁸⁵

2.3.1.7 The National Anti-Corruption Commission (NACC)

This structure was created on March 11, 2006 to replace the NACO. Nico Halle,¹⁸⁶ reading through the creation text, observes that this structure is an independent public organisation placed under the President of the Republic. Charged with the effective putting in place and follow-up of government anti-corruption activities, NACC oversees all presumed and flagrant cases of corruption that are brought to its attention and also ensure the physical control of the act besides taking care of all public contracts.¹⁸⁷ Findings of the investigations conducted by the Commission leads to disciplinary or legal proceedings. Recently, Mr Ngalle Eyoum¹⁸⁸ as Permanent Secretary as well as members¹⁸⁹ of the Commission was appointed. The term of office for members is three years, renewable once.¹⁹⁰ The structure is too young to be evaluated. More so, it is yet to have a website.

¹⁸⁵ Prime Minister's Office National Programme on Governance Cameroon: The Way forward for Good Governance (2004)41-55.

¹⁸⁶ N Halle 'Fight against corruption' at <http://www.hallelaw.com/newspage.htm> (accessed August 22 2007).

¹⁸⁷ As above.

¹⁸⁸ Décret n° 2007/079 du 15 mars 2007 portant nomination du secrétaire permanent de la Commission nationale anti-corruption.

¹⁸⁹ Décret n° 2007/078 du 15 mars 2007 portant nomination des membres du Comité de coordination de la Commission nationale anti-corruption.

¹⁹⁰ The members are: Hamadjoda Adjoudji ; Emilien Jérôme Abondo ; Garga Haman Adjji ; Patrice Ndedi Penda; Njami Nwandi Simon Bolivar ; Moustapha Moussa ; Fon fosi Yakumtaw ; Nguimba Magloire ; and Ngongi Amos Namanga.

2.3.1.8 The hall of shame

This is an independent Anti corruption organ run by the ‘online Cameroon (In) justice’ column for corruption. It receives corruption stories from the general public and puts it online to raise awareness by shaming the corrupt.¹⁹¹ It is elitist since it is limited to internet surfers.

2.3.2 Uganda

2.3.2.1 The Police Act

Unlike Cameroon, the Police Act of Uganda defines ‘corrupt practice’ as follows:

A Police officer is guilty of a corrupt practice if he or she:

- (i) solicits or receives a bribe; or
- (ii) fails to account for or to make prompt and true return of money or property received by him in his official capacity, or fails to account satisfactorily, if so called upon by the Inspector General to do so, for any money or property in his possession or received by him otherwise than in his official capacity; or
- (iii) directly or indirectly solicits or receives any gratuity, present, subscription or testimonial without the consent of the Inspector general; or
- (iv) places himself under a pecuniary obligation to the holder of any licence concerning the granting or renewal of which any Police officer may have to report or to give evidence; or
- (v) Improperly uses his character and position as a member of the Force to his private advantage; or
- (vi) in his capacity as a Police officer, writes, signs or gives without the sanction of the Inspector general, any testimonial or character or other recommendation with the object of obtaining employment for or of supporting an application for the grant of any kind; or
- (vii) Without the sanction of the Inspector General, supports an application of any kind.¹⁹²

In a bid to concisely define the term ‘corruption’, the Public Service Commission of Uganda,¹⁹³ and the Inspector General of Government¹⁹⁴ recognised the difficulties involved.¹⁹⁵

¹⁹¹ ‘The hall of shame’ ‘online Cameroon (In) justice’ at <http://www.angelfire.com/dc2/glenn/shame-11.htm> (accessed August 23 2007).

¹⁹² n 26 above, sec23.

¹⁹³ Public Service Review and Reorganisation Commission of Uganda, Report on corruption in the Public Service Chapter 14 1989 / 90.

The Sebutinde Commission solved this definition problem by regarding ‘corruption’ as any conduct or practice by a public officer serving in the UPF, done in flagrant violation of established regulations to the prejudice of the public interest or for self-gain.¹⁹⁶

2.3.2.2 Independent national anti-corruption authorities/agencies

The AU Convention requires states parties to establish or ensure the existence of independent anti-corruption authorities or agencies.¹⁹⁷ Uganda can be considered to provide a number of such authorities and agencies as can be seen below.

2.3.2.2.1 The Directorate of Ethics and Integrity (DEI)

The DEI was established in 1986 to raise the issue of corruption to a cabinet level, to coordinate government efforts in their fight against corruption, and to establish an integrity system that promotes good governance. In June 2004, it launched a four-year Strategy to Combat Corruption and Rebuild Integrity in Public Office, from 2004 to 2007. The strategy aims at improving enforcement and coordination of existing laws and to ensure public involvement in the fight against corruption. As the other public anti-corruption agencies in Uganda, the DEI is understaffed and under-funded.¹⁹⁸

2.3.2.2.2 Parliament¹⁹⁹

Parliament in Uganda is the legislative organ of government. As one of its primary functions, the Parliament performs an oversight function and acts as a watchdog over the executive. To that end, Parliament (and its committees) acts as checks in

¹⁹⁴ IGG ‘Corruption and Mismanagement in Government’ A paper presented at a seminar on Uganda’s economy held in Kampala (12th – 14th December, 1989) quoted in n 81 above, p. 4.

¹⁹⁵ T Sayed & D Bruce ‘Inside and Outside the Boundaries of Police Corruption’ *African Security Review* Vol 7 No 2, 1998.

¹⁹⁶ n 81 above, p. 4.

¹⁹⁷ AU Convention, arts 5(3), 7(2). Elsewhere the convention calls for the national authorities to be accorded sufficient autonomy to carry out an anti-corruption mandate: art. 20(4).

¹⁹⁸ www.businessanticorruption.org/uganda Country Profile accessed 28 September 2007).

¹⁹⁹ The Constitution of Uganda 1995 Cap 1, Vol. 1, Laws of Uganda 200 Edition.

investigating misuse and abuse of authority and public office.²⁰⁰ In the performance of its investigative functions into the misuse and abuse of office, Parliament acts in liaison with the offices of the AG, the IG, the DEI and the public. Parliament is empowered to create and constitute select committees for the consideration of matters that the House may refer to such committees.²⁰¹ Furthermore, Parliament can also appoint special or *ad hoc* committees to investigate any matter of public importance that however does not come within the jurisdiction of the standing committees or has not been dealt with by a select committee.²⁰² The PAC, as one of the standing committees of the Parliament, has the overall responsibility for matters of financial accountability.²⁰³ One of the powers that Parliament has as an anti-corruption institution is that of censuring Ministers accused of engaging in acts of abuse of office, misconduct and misbehaviour.²⁰⁴ The Parliament has exercised (or threatened to exercise) this power on a number of occasions, including the censure of Jim Muhwezi and Sam Kuteesa, then as the Minister for Education and State Minister for Finance (Investment) respectively during the sixth parliament (1996-2001).²⁰⁵ Parliament once constituted a Parliamentary Local Governments Public Accounts Committee to handle oversight of the use of Public funds in Local Governments.²⁰⁶

2.3.2.2.3 The Inspectorate of Government (IG)²⁰⁷

The office of the Inspectorate General of Government ([IGG](#))²⁰⁸ was established in 1986 by the government as a public office directly responsible to the President. The IG is the ombudsman and key independent and autonomous²⁰⁹ anti-corruption watchdog in

²⁰⁰ As above, art 90.

²⁰¹ As above.

²⁰² n 199 above, art 90 (1).

²⁰³ n 198 above.

²⁰⁴ n 199 above, article 118(1).

²⁰⁵ n 9 above, p6.

²⁰⁶ DEI 'National Strategy for Mainstreaming Ethics and Integrity in all Sectors and all Institutions' *Local Governance in Uganda* (27 March 2003)5.

²⁰⁷ n 199 above, art 223.

²⁰⁸ Inspectorate of Government Act 2002 sec 2.

²⁰⁹ n 199 above, art. 227.

Uganda.²¹⁰ The IGG is charged with protecting and promoting human rights and the rule of law in Uganda, and eliminating corruption and the abuse of public offices.²¹¹ Its mandate is wider than that of a traditional Ombudsman, since it has the power to investigate, arrest, and prosecute cases involving corruption, abuse of authority or abuse of public office. It also functions as the Ombudsman.²¹² A widening rift between the IGG and the government can be observed, primarily due to a number of IGG cases involving government officials. The independence of the IGG has recently been questioned. However with the conferring of power on the IG to prosecute corrupt acts, this had occasioned confusion. It thus led to a legal challenge before the courts in 2000 in the case of *Joseph Ekemu & another v. Attorney General*.²¹³ This has since been clarified under the Inspectorate of Government Act, enacted in 2002, which provides that 'notwithstanding any law, the IG shall not require the consent and approval of any person or authority to prosecute or discontinue proceedings instituted by the Inspectorate'.²¹⁴ Furthermore, the IG has the responsibility for the enforcement of the Leadership Code.²¹⁵ In enforcing the Code, the IG has certain powers and can recommend certain sanctions with respect of public officials in breach of the Code.²¹⁶

2.3.2.2.4 The Auditor General (AG) ²¹⁷

The Auditor General (AG) is the overall autonomous²¹⁸ audit institution that acts as the watchdog over financial integrity.²¹⁹ The AG is responsible for auditing government

²¹⁰ n 199 above, art 223.

²¹¹ n 208 above, sec13 and 14.

²¹² The functions of the IG are spelt out under article 225 of the 1995 Constitution and re-affirmed under section 8 of the 2002 Inspectorate of Government Act.

²¹³ Constitutional Petition No. 1/2000 (unreported). The petitioner, a former Attorney General and Minister for Justice & Constitutional Affairs, contested the power of the IG to prosecute him for the acts of embezzlement and causing financial loss, arguing that the power lay only with the DPP. Significantly, the Constitutional Court determined that the DPP had authorised the IG to prosecute the petitioner for those offences.

²¹⁴ n 208 above, sec14 (8).

²¹⁵ n 199 above, art 225(1) (d) and n 208 above, sec 8(d).

²¹⁶ n 198 above.

²¹⁷ n 199 above, art. 163.

²¹⁸ n 199 above, art 140 (7).

income and expenditure.²²⁰ The AG's audit responsibility and function extends to the local government.²²¹ Furthermore, the mandate, responsibilities and duties of the AG are set out under the 2003 Public Finance and Accountability Act.²²² The AG however, lacks resources and capacity to conduct thorough audits at the local level.²²³

2.3.2.2.5 The Public Procurement and Disposal of Public Assets Authority (PPDA)²²⁴

This is an independent agency managed by the Public Prosecution and Disposal of Public Assets Act which sets the rules and regulations for procurement. The procurement authority, advises the various government departments on procurement, monitors compliance, audits, evaluates performance, and provides capacity training. Since corruption within procurement is such a serious problem in Uganda (90% of all cases are estimated to be procurement-related),²²⁵ the PPDA is a central actor. Like most of the other government institutions, the PPDA is understaffed and subsequently impeded in its ability to investigate corruption cases.²²⁶

2.3.2.2.6 The Uganda Police Force.²²⁷

The functions of the Police force are stipulated under article 212 of the Constitution as including the prevention and detection of crime.²²⁸ This is crucial in efforts to combat corruption, with the Criminal Investigation Department (CID) (and its National Fraud Squad) as the main branch (and unit) of the Police charged with carrying out investigations into the process of the prevention and detection of acts of corruption (as

²¹⁹ n 199 above, article 163.

²²⁰ n 199 above, art 163(3).

²²¹ Local Government Act, sec 88.

²²² Public Finance and Accountability Act, No. 6/2003.

²²³ n 198 above.

²²⁴ Public Procurement and Disposal of Public Assets Authority Act, No. 2/2003.

²²⁵ n 198 above.

²²⁶ As above.

²²⁷ n 199 above, art 211.

²²⁸ n 199 above, art 212(c).

criminal offences). It defines corruption in its Section 23.²²⁹ These are mere window dressing in the holistic fight against corruption if the police are not cleared of corruption.

2.3.2.2.7 The Directorate of Public Prosecutions (DPP)²³⁰

The DPP is an independent structure²³¹ empowered by the PCA to investigate and prosecute cases of corruption and bribery. The DPP is mandated to institute and control all criminal proceedings in Uganda against any person before any court (other than a court martial) in respect of offences alleged to have been committed.²³² The DPP has the power to search, seize, arrest and interrogate suspects. The Director of Public Prosecutions is appointed by the President on the recommendation of the Public Service Commission and with the approval of Parliament. The political leadership of DEI is entrusted to the Minister of State for Ethics and Integrity.²³³ The DPP works closely with the CID and the Judiciary. The DPP is not known for corruption within its ranks, but it struggles with a lack of capacity. It has been criticized for not making reports and findings available to the public. In 2004, the Fraud Unit was created in the Directorate as a specialized body to handle fraud and corruption matters and works closely with the CID National Fraud Squad known for both bribery and embezzlement.²³⁴

2.3.2.2.8 Courts of Law

Upon completion of investigations and the compiling of evidence by the Police (and the IG or the DPP), actual criminal prosecution for corruption and abuse of office occurs before the courts of law. The courts of law are the basic mechanism for the prosecution of public officials who are accused of engaging in acts of corruption. To that end, an independent, impartial and accountable judiciary is crucial to anti-corruption efforts through its capacity to hand down terms of imprisonment against individuals accused of

²²⁹ n 192 above.

²³⁰ n 199 above, art 120.

²³¹ n 199 above, art 163(10).

²³² n 9 above, p 5.

²³³ n 198 above.

²³⁴ As above.

and prosecuted for corruption.²³⁵ It is a very serious impediment to anti-corruption efforts if the courts (and judicial officials) are corrupt. The biggest concern about the courts is the fact that they have not really acted as an anti-corruption deterrent, with the public feeling that (together with the Police and the prosecuting agency, the DPP) have let corrupt officials off too easily.²³⁶ Crucially significant is the approval under the recent constitutional amendments for the establishment of a special anti-corruption court.²³⁷

2.3.2.2.9 The Judicial Integrity Committee (JIC)

The JIC was instituted as a response by the judiciary to allegations of corrupt practices in its ranks²³⁸ and is primarily tasked with the duty of ensuring integrity and probity within the judicial sector.²³⁹

2.3.2.2.10 The Prevention of Corruption Act (PCA)

The PCA defines corruption²⁴⁰ in almost the same terms as the relevant provisions of the Penal Code of Cameroon (See 2.3.1.1). It is evident that this Act—conceptualised in 1970—was limited essentially to ‘bribery’ as a corrupt act. It is therefore necessary to reform the anti-corruption legislation in order to embrace attributes of both ‘active’ and ‘passive’ corruption in respect of all the ‘acts’ of corruption in terms of the provisions of the AU convention²⁴¹ and the UNCAC.

2.3.2.2.11 The Leadership Code Act (LCA)

The LCA stipulates, as a prohibited act, on part of the conduct of a public official/leader as that of: participating in a decision in which he or she has an *interest* or where he or she is in a position to *influence* the matter directly in the course of his or her official

²³⁵ Commonwealth Human Rights Initiative ‘Police practices: obstructions to poor people’s access to justice’ (2003)15.

²³⁶ n 41 above.

²³⁷ Constitutional Amendment Bill, No. 2/2005.

²³⁸ United Nations Office on Drugs and Crime *Assessment of the integrity and capacity of the justice system in three Nigerian states* (2006).

²³⁹ n 9 above.

²⁴⁰ n 11 above, sec.1

²⁴¹ n 9 above, p 10.

duties for private gain.²⁴² The Code in effect addresses 'conflict of interest', 'influence peddling'²⁴³ and insider trading.

In addition to the public anti-corruption initiatives listed above, there are also private initiatives such as the Anti-Corruption Coalition of Uganda ([ACCU](#)); Transparency International Uganda; the Ugandan Debt Network ([UDN](#)); the Uganda Chapter of the African Parliamentarians Network against Corruption ([APNAC](#)); the Institute of Corporate Governance of Uganda; and the Media.²⁴⁴

2.4 Conclusion

This Chapter has explored the relevant international legal frameworks such as UNCAC and the AU Anti-Corruption Convention. The Police Acts of Cameroon and Uganda as well as other independent national anti corruption authorities' or agencies within the domestic legal framework have also been analysed. The next chapter grapples with the nature of the phenomenon of Police corruption and more precisely its practice in the two countries.

²⁴² Leadership Code Act.

²⁴³ The UN convention only calls for measures to prevent 'conflict of interest': art. 7 (4).

²⁴⁴ n 198 above.

CHAPTER THREE: UNDERSTANDING THE PHENOMENON OF POLICE CORRUPTION

In a morally corrupt society, civil virtue and social responsibility are abandoned and intense competition for spoils becomes the dominant mode of operation.²⁴⁵ Police Corruption can be explained by factors that are intrinsic to policing as a job; the nature of police organisations; the nature of the 'police culture'; the opportunities for corruption presented by the 'political' and 'task' environments; and, the nature and extent of the effort put in to controlling corruption.²⁴⁶ Corruption kills the development spirit.²⁴⁷ Nothing is as destructive to a society as the rush for quick and easy money which makes fools of those who work honestly and constructively.²⁴⁸

3.1 The practice of corruption by the Police

Corruption is found on all spheres of Police work. It is a common parlance amongst Cameroon Police officers that there is no *goudron*²⁴⁹ in the Police and a Police man who cannot create situations to extort bribes is not trained or has not mastered his or her job.²⁵⁰ This state of affairs tempted Laurent Ebolo to remarked that

La gangrène de la corruption est devenue proverbiale aussi bien au Cameroun en général qu'au sein de la Police en particulier. Le policier « mange-mille » du fait de son penchant à réclamer des billets de 1.000frs CFA aux usagers de la route, colle à la peau de tout un corps.²⁵¹

²⁴⁵ JP Dobel 'The Corruption of a State' *American Political Science Review*, Vol. 72, No.3 (1978).

²⁴⁶ R Fisman and E Miguel 'Cultures of Corruption: Evidence from Diplomatic Parking Tickets' BREAD Working Paper No. 122 (2006)47.

²⁴⁷ JC Andvig and Others *Research on Corruption A policy oriented survey* (December 2000) <http://www.icgg.org/downloads/contribution07_andvig.pdf> (accessed on 19 August 2007).

²⁴⁸ TB Jalloun *L'homme rompu* (1986)67.

²⁴⁹ A situation in which no bribe or personal advantage can be extorted.

²⁵⁰ Personal observation of the researcher.

²⁵¹ L Ebolo. 'Cameroun. Les pompiers du désordre'. *Jeune Afrique Economie* No 309 du 22 Mai au 04 juin 2000 (48-54). (*Corruption is endemic in Cameroon in general as well as in the police in particular. The police so called 'mange mille' because of their deep inclination to extorting 1.000 FRS CFA from road users, is attached to the entire corps*) my translation.

The Cameroon Police Force (CPF) is partitioned into several directorates including human resources; finance, computer management and logistics; public security; general information; judicial Police; frontier Police; health; of training; amongst others.²⁵² The four main directorates in the Uganda Police Force (UPF) are that of Administration, Operations and Support Services, CID and Special Branch.²⁵³

3.1.1 Recruitment and Training²⁵⁴

In Cameroon, while recruitment is done by the DGNS, training is ensured by the National Advanced Police School (ENSP)²⁵⁵ and the Police Training Centres.²⁵⁶

The conditions of access into the CPF are clearly stated in the Acts²⁵⁷ organising the schools and that²⁵⁸ stipulating the curriculum and the Police Statute.²⁵⁹ However, recent recruitments have been marred by corruption, influence peddling, politics, tribalism and nepotism.

An example is the recruitment into the Cameroon Police Force of 2001 in which 3000 places were advertised.²⁶⁰ After the correction of the exams, the results were never

²⁵² Decree N°2002/003 of January 04, 2002 on the organization of the General Delegation for the National security art 29.

²⁵³ S Zwart *UGANDA: The fight against corruption* (2003)42.

²⁵⁴ Personal experience of writer as Head of the Human Rights Training Unit of the Police Training School-Cameroon for the past 7 years.

²⁵⁵ n 252 above, sec 133.

²⁵⁶ n 252 above, sec 134

²⁵⁷ Decree N° 2003/079 of 16 April 2003 on the organisation and functioning of the National Advanced Police School and the Police Training Schools, sec 2, 37.

²⁵⁸ Arrête N° 2004 CAB/PR of 16 April 2003 on the conditions of admission to the different cycles of training and the curriculum of studies at the National Advanced Police School and the Police Training Schools sec 10 –14.

²⁵⁹ n 24, art 6.

²⁶⁰ S Ekoumou 'DGSN-MINDEF. A propos des recrutements ' *L'Indépendant* No 035 (12 Février 2004) 9.

taken into account. What mattered instead was tribalism and money.²⁶¹ The then GDNS (Minister of Police) Pierre Minlo Medjo, who hails from the South Province (the same as the Head of State), went as far as recruiting 8,000 people.²⁶² Out of this number only 60 were Anglophones while the remaining 7,940 were Francophone, making a percentage of 99.25 against 0.75 for Anglophones portraying a gross marginalization²⁶³ of Anglophones who make up 35 per cent of the country. The practice was that of multiple additional lists, some of which came at the end of the course. Worst of all is the fact that some recruits were finally integrated without passing through the school since it is the minister who integrates.²⁶⁴ This resulted in the inflation of the Police population to 9,700 instead of the 4,500 initially advertised. Amongst the francophone, more than 80 percent are alleged to be from the Minister's *Beti* clan.²⁶⁵ In spite of the various write-ups by the press, no commission of inquiry into this matter was set up.²⁶⁶ In what sounded like an acceptance of guilt, in 2006 the Presidency ordered a refresher course for these young Police officers for 30 days each in shifts of 500.²⁶⁷ This could solve very little of the problem because this influx of recruits from one tribe changed the national nature of the force with the resultant effect of sustaining tribalism, indiscipline, complaisance and influence peddling.²⁶⁸ The management or selection of those coming in for refresher courses, training and promotion in general is not different.²⁶⁹

The situation in Uganda is similar. The role of recruitment into the UPF is within the competence of the Uganda Police Authority. In spite of the laid down rules, the recent

²⁶¹ This writer was a marker.

²⁶² B Benjika 'Minlo Medjo Recruited Irresponsible People' *The Post online* 24 October 2007. <<http://www.postnewsline.com/2007/10/minlo-medjo-rec.html>> (accessed on 27 October 2007).

²⁶³ S Ekoumou. 'DGSN. Recrutements scandaleuse'. *L'Independant No 022* (10 Mars 2002) 3.

²⁶⁴ n 258 above, sec 8.

²⁶⁵ Calculations done by the researcher on the basis of the integration and the class list.

²⁶⁶ Personal follow-up of the researcher.

²⁶⁷ Décision No oo31/PR/DGSN/CAB portant stage de recyclage des anciens élèves récemment sorties de l' Ecole Nationale Supérieure de Police et le Centre d'Instruction et d'Application de la Police de Mutengene.

²⁶⁸ Jacques Blaise Mvié 'Ciap- Mutengene. Fausses admissions à la Police' *La Nouvelle Presse* No. 126 (Jeudi 4 Décembre 2003) 11-13.

²⁶⁹ L Ntiga. 'Police. Controverse autour des textes de mise en stage' *Mutations* No. 10091 (Mercredi 18 Février 2004)3

recruitment of cadets into the UPF was marred by corruption. The *Weekly Observer*²⁷⁰ newspaper *reported* that out of the 350 university graduates recruited into the UPF, 130, that is 37% were from Western Uganda, which happens to be President Museveni's home region.²⁷¹ This is in violation of the Constitution which requests that while making the law governing the Police, Parliament must 'ensure that members of the UPF are recruited from every district of Uganda.'²⁷² A hundred of these recruits are alleged to have been recommended by the President and his wife.²⁷³ The Minister of Internal Affairs, Dr Ruhakana Rugunda confirmed Museveni's intervention.²⁷⁴ The Inspector General of Police (IGP) Maj. Gen. Kale Kayihura, First Lady Janet Museveni and President Museveni himself all hail from the West. *The Observer* equally noted that nearly all district Police commanders of Kampala District are from the West.

Apart from regional imbalance, another irregularity in the recruitment is reports that at least 40 serving soldiers were quietly grafted into the training programme as part of the move to have the force firmly placed under military control.²⁷⁵ This may not seem strange because the relationship between Museveni and the UPF has never been cordial.²⁷⁶ To express his love-hate relationship with the Police, the President has twice appointed two high ranking army officers to head the UPF. In 2001, Museveni appointed Lt. Gen Katumba Wamala as IGP who was replaced by Kayijhura in 2005. President Museveni's discomfort with the UPF has been reflected in speeches about the force, promising to have it sorted out. In the aftermath of the 2001 presidential election, the President expressed disgust when he learnt that many Policemen had not voted for him.²⁷⁷ He accused the force of disliking him to the extent that they would rather vote a *jerrycan* if it contested against him.²⁷⁸ It is even alleged that in the early days of the NRM leadership President Museveni had wanted to disband the force and replace it with NRA soldiers, but for the timely intervention of the then Minister of State for Internal

²⁷⁰ S Nganda 'Police recruits 40% from west' *The Weekly Observer* (August 9-15, 2007)3.

²⁷¹ As above.

²⁷² n 199, art 214.

²⁷³ n 270 above.

²⁷⁴ As above.

²⁷⁵ C Obore 'Soldiers train to take top Police jobs' *Sunday Monitor* Sunday (September 30, 2007) 1-2.

²⁷⁶ As above, p2.

²⁷⁷ As above.

²⁷⁸ n 270 above.

Affairs Col. Dr. Kizza Besigye and Minister of Internal Affairs Dr. Paul Ssemogerere.²⁷⁹ In spite of the refusal from the authorities²⁸⁰ that serving army officials are following police training, the *Sunday Monitor* published the names of several high ranking officers among the 40 alleged to have been recruited into the Police.²⁸¹ This list included Lieutenants Joram Mwesigye who was alleged to have been based at 2 division in Mbarara; Agaba Rugubwa, alleged to have been based at Bombo and Chemonges who was stationed in Kapchorwa as district internal security officer, amongst others.²⁸² Conservative estimates put the number of UPDF men in the Police force between 1,000 and 1,200.²⁸³

However, it must be noted that the priming of the army at the expense of the Police is not new to Uganda.²⁸⁴ Past regimes have consistently favoured the military. I posit that this can be explained by the fact that the country has never had a peaceful transfer of power from one leader to the next.²⁸⁵ While this writer sees the priming of the military in lieu of the police to be explained by the fact that it is the military that both brought the NRM government and sustains it in power, ASP NSUBUGA Simeo²⁸⁶ explains it by the fact that the former regime was supported by a loyal police to resist the takeover of power by the NRM during the bush war. Hence the rebel movement turned government hated the police right from the bush.²⁸⁷

²⁷⁹ As above.

²⁸⁰ Army Chief of staff, Brig. Robert Rusoke, Acting Commissioner of Police in Charge of Human Resource development and Training.

²⁸¹ n 276 above.

²⁸² As above.

²⁸³ D Kaiza 'Uganda: Growing concern as Ugandan army 'infiltrates' police force' *The East African* (Kenya) November 24, 2005 <<http://www.africanpolicing.org/Uganda%20Police%20News%20August%202006.pdf>>.

²⁸⁴ E Bolongaita 'Controlling Corruption in Post-Conflict Countries' (2005) <http://kroc.nd.edu/ocpapers/op_26_2.pdf (accessed on 26 August 2007).

²⁸⁵ K Besigye, Opposition leader in (n 115 above) 3.

²⁸⁶ Interview with ASP NSUBUGA Simeo.

²⁸⁷ B Baker 'Popular Justice and Policing from Bush War to Democracy: Uganda 1981-2004', *International Journal of the Sociology of Law*, 32, (2004), 333-348

<http://www.africanpolicing.org/Bruce's%20Docs/1_Popular_Justice_and_Policing_1.pdf>

While the Police force in Cameroon and Uganda share much in common as far as recruitment is concerned, the reaction of the powers that be to public criticism is quite different. The pointing out of these irregularities led to a parliamentary inquiry into the recruitment in UPF.²⁸⁸ In Cameroon, the government simply turned a death ear to the public outcry.

Apart from recruitment and training, corruption in the Police can be seen at the levels of public security, judicial police (CID), and general information.

3.1.2 Public security

As per the Law²⁸⁹ organising the GDNS in Cameroon and the Police Statute of Uganda, public security is the main section of the Police that deals with public safety. It intervenes in public places such as the highway, where it particularly ensures the respect of the code of the road. It equally carries out investigations into minor offences. Corruption here is very notorious as everybody sees them on the highway collecting money as if it was a toll gate.²⁹⁰ It becomes more critical when we get allegations—some of which are confirmed—that part of the money collected is given to the boss to ensure deployment the next day!²⁹¹ Though the Commissioner in charge of traffic and road safety²⁹² refuted such allegations, there is ample evidence such practices are not as routine as in the past but have not been wiped out.²⁹³ According to Steven Kasiimi Highway corruption of Police officers is the most flagrant of all corruption in the Police.²⁹⁴ The amount may not necessarily be much but the frequency is very high, with the resultant effect of huge damage to the reputation of the force and the nation as a whole.

²⁸⁸ n 275 above, p 4.

²⁸⁹ n 252, article 144.

²⁹⁰ 'An Anarchist Account of Cameroon' <http://www.struggle.ws/africa/accounts/chekov/cameroon.html> (accessed on 25 August 2007).

²⁹¹ 'The shameful truth about police corruption' ISSUE 1220 Sunday 27 September 1998 <<http://www.telegraph.co.uk/htmlContent.jhtml?html=/archive/1998/09/27/ncopz127.html>> (accessed on 25 August 2007).

²⁹² Interview with SSP Steven Kasiimi.

²⁹³ Focused discussion with some Kampala traffic police who opted for anonymity.

²⁹⁴ n 81 above, p 362.

Besides, the Police also offer a number of administrative services such as the establishment of various administrative and legal documents. It is not uncommon to see police extorting bribes from citizens to render these services for which they are paid.

Some light needs to be thrown on the Judicial Police (CID) since they exercise most of the Police Powers and are hence more vulnerable to corruption.

3.1.3 Judicial Police/Criminal Investigation Department

Called the 'Judicial Police' in Cameroon or the Criminal Investigation Department (CID) in Uganda, this is that branch of the Police that deals with the investigation of high level crimes.²⁹⁵ Corruption at this level is very high, complex and involves huge sums of money and influence of persons in high places. Judicial Police may refer to the sum total of persons specialized in the fight against criminality. These persons are enumerated in PCC²⁹⁶ and curiously in the case of Cameroon include the National Gendarmerie.²⁹⁷ In the exercise of Judicial Police, the Police are controlled by the legal department (State Counsel).²⁹⁸ The formal mission of the Judicial Police includes: investigating offences, collecting evidence, identifying offenders and accomplices and bringing them before the legal department,²⁹⁹ serving court processes; executing warrants and court decisions.³⁰⁰ Corruption, manifested in the selective application of these laws is very notorious. The function of the CID in Uganda is not different.³⁰¹

3.1.4 General Intelligence/Special branch (Department of Territorial Surveillance, General Directorate of External Research- DGRE).

Increasing societal complexities have increased the state's appetite of understanding not only what took place yesterday and is taking place now, but more probably what may

²⁹⁵ Law no 2005/007 of 27 July 2005 instituting the CPC art 8.

²⁹⁶ As above, sec 79.

²⁹⁷ Decree N°2001/181 of 25 July 2001 organizing the services of the National Gendarmerie.

²⁹⁸ n 295 above, sec 82.

²⁹⁹ 1972 Ordinance

³⁰⁰ n 298 above.

³⁰¹ Chapter 23 Police Standing Orders.

likely take place tomorrow for the later, leads the state to take necessary measures of prevention and precaution. Apart from general information that is acquired through experience or study, the state needs another type of information that is special in character called intelligence. Intelligence is the capacity for understanding the ability to perceive and comprehend meaning or information about enemies and spies.³⁰² The missions of general intelligence are both general³⁰³ and particular.³⁰⁴ In brief it deals with the follow-up of the activities and moral of civil servants and foreigners. Corruption here is manifested in luring ministers and people ranking as such that they are being investigated upon; intimidating foreigners for benefit. For the case of Cameroon and the DGRE in particular, this service was created by Jean Fochive, who was once DGNS and of whom it is alleged worked in accomplice with armed robbers.³⁰⁵

3.2 Professional ethical dilemma

Professional ethical dilemmas are those ethical problems in policing which require the Police officer to make the right decisions. These situations may bring about conflict and struggle within the Police officer's mind. He or she feels as if he is trapped in a whirlpool and is drawn in slowly. It may also make the officer feel as if he is caught in a maze with no way out. Group pressure, a lack of objectivity and the realization that someone is going to be adversely affected by his or her decision, make it much more difficult to make a sober decision. Ethical dilemmas are part of policing.³⁰⁶ Should the Police Officer receive a bribe in order to take care of the sick child in the hospital?³⁰⁷ The freedom that Police officers have to make decisions also creates the opportunity for problems similar to the ones described above to arise. This problem of a just equilibrium

³⁰² Commissioner Ebendeng. Class lectures on State security. National Advanced Police School Yaoundé 2000.

³⁰³ n 252 above, art 151.

³⁰⁴ n 252 above, art 152.

³⁰⁵ F Dorcé et B P Talla, 'Forchivé à l'heure du bilan' *Jeune Afrique Economie* N°240 (5th May 1997) 46-57.

³⁰⁶ n 33 above, 8.

³⁰⁷ 'Hungry Zimbabwean police officers turn to corruption for survival' *ZimOnline* <<http://www.reliefweb.int/rw/RWB.NSF/db900SID/EK0I-6XW3Y3?OpenDocument>> (accessed 28 September 2007).

can only be solved by a Police conscious of the existence of and importance of solving professional ethical dilemmas in a democratic society.³⁰⁸

3.3 The Role of the Police in a modern multiparty democracy

A look at Cameroon's history will show that the country has undergone two periods of political pluralism, one prior to Ahidjo's glorious revolution of 1966 and the current one which has been in place since 1990. Uganda has just emerged from the 'Movement' to a multi-party democracy. Summarily, the role of the Police in a modern multiparty democracy can be drawn from an old police oath.³⁰⁹ This text which is purely prescriptive is referred to as an oath by which an official, who has chosen the police carrier, commits him or herself before God to honestly serve the public and his or her country.³¹⁰ A former DGSN described a Police officer of the third millennium as one who can amongst others respect human rights, steer clear of corruption³¹¹ and lead the fight against corruption.

3.4 Police Corruption and the Press

The example of local Police extorting what they can from motorists³¹² and victims of crime in our countries is legion.³¹³ Those in authority know all about these 'grease' payments,³¹⁴ but either turn a blind eye to them³¹⁵ or simply do not know where to

³⁰⁸ M Daruwala & G.P. Joshi Roundtable on Police Reforms 'The Police that we want...' (2005)15.

³⁰⁹ Association Internationale des chefs de Police (ed) 'Profession du foi du Policier' 1957 in S Sadate *Le Policier et son Public dans une Société Démocratique* (1996)14.

³¹⁰ S Sadate *Le Policier et son Public dans une Société Démocratique* 1996 (14-15).

³¹¹ M- C Nnana. 'Le policier nouveau' *Cameroun Tribune* (August 07, 2000) 5.

³¹² N Tanue 'Taxi Drivers Bristle at police Extortion' *The Post online* (Cameroon) (21 July 2007) <<http://www.postnewsline.com/2007/08/taxi-drivers-br.html#more>> (accessed August 24 2007).

³¹³ Taxi driver bribe traffic police with beer cover 'Cameroon's beer bottle currency' AUGUST 19, 2005 <http://psdblog.worldbank.org/psdblog/2005/08/camerouns_beer_.html> (accessed August 24 2007).

³¹⁴ C Mbunwe 'Security Boss Admits Police Force Reeks of Corruption' *The Post Online* (Cameroon) <http://www.typepad.com/t/trackback/2163189> (accessed 30 September 2007).

³¹⁵ Anonymous 'Police Boss know of corruption but put a blind eye' : <<http://corruptionfreeanguilla.blogspot.com/2007/05/police-11.html>> accessed (accessed 23 September 2007).

begin.³¹⁶ Indeed Luc Loe-the then DGNS-admitted in 1994 that the police were accomplices to armed robbers as they lent out their service guns to bandits. He confessed that the Cameroon Police Force lacked discipline and morality and needed much time to put things back on the rail.³¹⁷ This view was corroborated by Frédéric Dorcé,³¹⁸ Laurent Ebolo³¹⁹ and Ba Deffo Fo Fotue.³²⁰

Laurent Ebolo further reports on the Commissioner of Public Security, Bafang who was taken to court.³²¹ A certain businessman was a victim of assault. On running to the Police station he met the Commissioner with his stolen wallet containing 20million francs CFA. The latter claimed to have collected it from the robbers who were at large. On opening the wallet the next day, only 7 million francs CFA was left. A complaint was filed against the commissioner and he was consequently posted to the Far North. Reliable sources hold that this Commissioner as usual benefited from support from higher quarters.³²²

Mention is also made of a certain Commandant of GMI Yaoundé who was an accomplice to a group of robbers having attacked a helicopter in the Eastern Province with a resultant booty of 70 million francs CFA destined for the payment of foresters.³²³ Uganda abounds in documented evidence.³²⁴

To conclude, one must say while there are many similarities in the practice of corruption by the Police in both Cameroon and Uganda, the lone difference remains the tolerance

³¹⁶ Jeremy Pope 'Transparency International and the Drive against Corruption' (n 45 above) 80.

³¹⁷ BD Fô Fotué et G Tchomba 'Cameroun. L'irrésistible montée de l'insécurité'. *Jeune Afrique Economie* No 272 (5 au 18 Octobre 1998)102-106.

³¹⁸ F Dorcé. 'Les autorités changent leur fusil d'épaule' *Jeune Afrique Economie* No 272 (5 au 18 Octobre 1998) 107-109.

³¹⁹ n 252 above, (48-54).

³²⁰ BD Fô Fotué 'Cameroun. L'Autre Guerre'. *Jeune Afrique Economie* No 309 (22 Mai au 04 Juin 2000) 62.

³²¹ n 251 above, p 50.

³²² n 251 above, p 48-54.

³²³ As above.

³²⁴ n 81 above, p 15-222.

of impunity in Cameroon unlike the case in Uganda which resulted in a commission of inquiry.³²⁵

³²⁵ n 81 above.

CHAPTER FOUR: THE CAUSES OF POLICE CORRUPTION³²⁶ IN CAMEROON AND UGANDA

4.1 Introduction

An overview of the way the police in Cameroon and Uganda carry out their duties shows that most of them have a free hand in performing their duties without being accountable to anyone. In the process, regulations are either breached or bent without censure.³²⁷ There is deliberate refusal to follow the well articulated Police Standing Orders and Government accounting instructions. A close reading of chapter three gives sufficient evidence that corruption is spread at all levels within the Police Force.³²⁸

This chapter seeks to examine the possible causes of corruption and in particular, its manifestations and effects. The Sebutinde Commission³²⁹ found the following to be the factors that have characterized the growth of corruption in the UPF: historical reasons, corrupt leadership, poor remuneration, greed and thirst of power, broad discretionary and unchecked powers, and the lack of punishment for offenders.³³⁰ Although no similar study³³¹ has been carried out in Cameroon the causes of police corruption are not very different. However to this list can be added, the influence of politicians and the administration. Generally, the current capitalist arrangements of most African countries, buttressed by an all powerful executive presidency, a limping legislature, and a not-so-independent judiciary³³² stands out as favourable conditions for corruption to sprout. If corruption is to be dented or reversed, its causes must be identified and dealt with.³³³

³²⁶ P Mauro 'Corruption: Causes, Consequences, and Agenda for Further Research' 1998(11-14).

³²⁷ Associated Press 07.23.05 'LAPD Computer Targets Rogue Cops' in <<http://www.wired.com/science/discoveries/news/2005/07/68294>>(accessed August 28 2007).

³²⁸ n 81 above, p 450.

³²⁹ As above.

³³⁰ n 81 above, p 449-454.

³³¹ M Schloss 'Combating Corruption: from words to deeds' <<http://lanic.utexas.edu/project/asce/pdfs/volume12/schloss.pdf>> (accessed August 28 2007).

³³² n 2 above, p xiii.

³³³ n 2 above, p 82.

4.2 Causes of Corruption in the Police

4.2.1 Historical reasons

Although corruption is as old as humankind, critics tend to find sometimes in the history of a country when certain conditions favour the growth of corruption on a phenomenal scale. For Uganda this can be traced to 1972 when Idi Amin's government declared the economic war.³³⁴ The expulsion of the Asian businessmen without an alternative skilled indigenous human power to fill in the gap, left by the Asian entrepreneurs led to the collapse of the economy. Inflation shot up to record high levels because of Government borrowing from the Central Bank. Essential commodities disappeared and the shilling became worthless. Civil servants- including the Police personnel- could no longer make ends meet as the salaries paid to them were severely eroded by inflation. This led to a drastic fall in standards and the consequent breakdown in the moral fibre of the population. The foundation for corruption on a massive scale whose effects in the Force are still felt today was laid at that time.³³⁵ In Cameroon, this is attributed to the coming into power of President Paul Biya in 1982 and ushering in of a government characterised by tribalism, nepotism and the institutionalisation of corruption as a way of government.³³⁶

4.2.2 Corrupt Leadership

In Uganda, the present top and middle leadership in the UPF were enlisted in 1980 after the fall of Idi Amin's regime. This was at the time when long standing institutions of government had broken down. Concurrently there was a problem of employment for college and university graduates. A number of university graduates were recruited into the Force. Their initial training at Masindi Training School was hurriedly done and covered less ground than would have been normally possible. As noted in the

³³⁴ n 81 above, p 450.

³³⁵ n 81 above, p 450-451

³³⁶ JW FORJE 'The dynamics of political competition and the future of democratisation process in Cameroon: challenges and opportunities' (2006) <<http://www.academicjournal.org/ERR>> (Accessed 25 April 2007).

Commissions report, the training having lacked a syllabus does not appear to have included subjects like ethics, integrity and anti-corruption. Hence recruits who left school at the time were believed to be half-baked.³³⁷

It is believed that these new recruits started engaging in corrupt practices in order to buy cars, build houses and have expensive weddings within the shortest time. These were the bulk of officers appraised in the commissions report.³³⁸ These graduates sacrificed police work methods and ethics for personnel interest. Today those very graduates form the top leadership of the Force. They are largely responsible for the level of disrepute of today's force.

A close observation of Cameroonian police officers explains yet another dimension of the corrupt leadership. Corrupt subordinates claim that they collect bribes to give to their boss as a guarantee of future placement on a lucrative job posts. This is the famous concept of '*compte rendu*' (mission report). While this is partly true, it does not totally explain this state of affairs.³³⁹

It is however obvious that managers cannot expect ethical behaviour from subordinates if they do not behave ethically themselves. In such deeply hierarchical bureaucracies, in a situation where the senior officials are generally corrupt, the junior ones will be encouraged or even advised to be equally corrupt.³⁴⁰ The current police leaderships in Cameroon and Uganda allow corruption to go unchecked failing to cultivate a culture of taking firm action against corrupt and undisciplined officers. For example the then IGP Odomel, did not discipline Bakiza when the latter defied him in respect of disciplining Kasango. Odomel himself engaged in insider trading contrary to regulations. So where would he get moral authority to discipline Bakiza?³⁴¹ Here one must laud the efforts of the current DGNS in Cameroon for disciplining some police officers in Cameroon guilty

³³⁷ n 81 above, p 243-244.

³³⁸ n 81 above, p 399-429.

³³⁹ Personal experience of researcher.

³⁴⁰ n 2 above, p 122.

³⁴¹ n 81 above, p 451.

of corruption.³⁴² However it must be cautioned that he was supposed to systematically start from the top.³⁴³

4.2.3 Poor Remuneration and Conditions of Service

Social pressures can compel an individual into corrupt practices such as when one accepts a bribe in order to pay a hospital bill for a sick child or to pay school fees. It is often said that when the purchasing power of workers earnings decreases, corruption sets in to offset the imbalance.³⁴⁴

The Sebutinde Commission noted that the lower Cadres of the police especially Constables are poorly paid. Until July 1999, a Police Constable earned Shs. 67,000. A 10% increase in July 1999 raised the salary to Shs 73,000 per month.³⁴⁵ Although the Commission recommended the minimum wage for a Constable to be fixed at Shs. 600,000 per month, constables were on a salary of Ush 106,355 in 2003³⁴⁶ and currently they earn only Ush 154 000.³⁴⁷ This is grossly inadequate as there is a big imbalance between the cost of living and take home pay. Many police officers could have been induced to engage in corrupt practices so as to make ends meet. It is tempting for most of the people earning Shs 73,000 a month to accept a bribe of Shs 500,000 in order to drop a charge or cause investigations to stall or to make a police file disappear or for exhibits to vanish.³⁴⁸ In Cameroon the case is not different. A constable earns FCFA 84000 which simply cannot make ends meet.

³⁴² Examples include SsP Essame Patrice and Mengolo Ondoua.

³⁴³ LaVoixDuCamer 'The government decides to react to the corruption!' February 11th, 2007 <<http://lavoixducamer.com/?p=9>> (accessed on 15 August 2007).

³⁴⁴ J. D. Sullivan 'Anti-Corruption Initiatives from a Business View Point' (2000) <<http://www.cipe.org/pdf/whatsnew/events/budaconf/Anti.pdf>> (accessed August 26 2007).

³⁴⁵ n 81 above (260-261).

³⁴⁶ n 253 above.

³⁴⁷ n 286 above.

³⁴⁸ n 81 above, p 452.

Apart from salaries, in Uganda annual leave exists in theory as the poor salaries do not make it practicable to take leave.³⁴⁹ In both countries, pension arrangements³⁵⁰ are such that those who retire go without any packages and have to wait for a long time in order to get them. Medical facilities are inadequate which leaves many officers to fend for themselves. Living conditions such as housing are very bad in Uganda and almost nonexistent in Cameroon. These factors affect the police negatively as they find themselves in desperate situations and forced to find ways of surviving by engaging in acts of corruption.³⁵¹

However, such arguments fall flat in view of corruption noticed in other sectors such as the banking sector where the salaries are more than better.³⁵² What of those in similar employment who are comparatively less paid and who maintain their integrity and incorruptibility?³⁵³ The point to note is that, once people are steeped in corruption they never stop irrespective of their remunerations. This can explain why a Head of State, a Chief Justice, or a Managing Director of a major bank can be corrupt.

4.2.4 Greed and the thirst for wealth

Although some sociologists argue that corruption stems from an individual's in-born criminal nature, such behaviour is normally influenced by an overwhelming desire for power, wealth and influence.³⁵⁴ Some people are avaricious; have a passion for luxurious living, and an insatiable desire for wealth. Serving self interests takes the upper hand in social relations. Public resources are wasted and misappropriated in order to satisfy personal interests for enrichment. Other people's rights are hijacked or offered for sale by way of demanding for bribes in the course of rendering public services. Justice becomes sacrificed for personal economic projects like cars and houses.

³⁴⁹ As above.

³⁵⁰ O Xinyan 'Pension scheme reduces police corruption' *China Daily* (October 27 2007)11.

³⁵¹ WN Wamalwa 'Causes and Consequences of Ethical Crisis in Africa's Public Services', in R Sadig and D Olowu (eds) *supra*, 1993:41-46.

³⁵² J Bransten 'World: Is raising state salaries enough to combat corruption?' <<http://www.rferl.org/featuresarticle/2004/04/761efa32-229e-4ecb-bf4d-f07b42c35fc1.html>> (accessed August 26 2007).

³⁵³ General Olusegun Obasanjo 'Keynote Address' (n 45 above) 27.

³⁵⁴ n 81 above, p 452.

Citizens are not treated equally before the law or with impartiality as required by the Police laws. Such people simply want to get rich and richer at the expense of society.

For the UPF, the Sebutinde Commission realised that those who engaged in insider trading were not junior constables, earning Shs 73,000. They were big officers who were earning living wages of between Shs. 400,000 to over a million. The allegations of obtaining Shs. 100 million were made against Mr. Bakiza, a director of CID who was highly paid. From these and other cases examined in the report, the Commission concluded that many officers engage in corrupt practices because of their ego, their greed and thirst for wealth.³⁵⁵

4.2.5 Broad discretionary and unchecked powers

The provisions of the law give wide ranging powers to the Force.³⁵⁶ These include, the powers to enter into any premises without a warrant at any hour of the day and night where there is reasonable cause to believe that an unlawful activity is taking place or about to take place;³⁵⁷ to carry out an arrest without a warrant if there is reasonable cause to suspect that the person has committed or is about to commit an arrestable offence;³⁵⁸ arrest a person if he or she has cause to believe that the arrest and detention is necessary in order to prevent certain crimes mentioned therein.³⁵⁹ Further powers are given to the Police under sections 26 to 43 Code of Conduct and the Police Standing Orders of Uganda.

What is prevalent in these powers is that there is no provision legislating for any supervision or checks and balances to check the excesses.³⁶⁰ The policemen using such powers are not obliged to explain their actions to anybody. Very often such powers are used to settle scores for friends, relatives, the unfit, the corrupt or for thieves. The result

³⁵⁵ n 81 above, p15-22.

³⁵⁶ n 81 above, p453

³⁵⁷ n 26 above, sec 22 (2).

³⁵⁸ n 26 above, sec 24.

³⁵⁹ n 26 above, sec 25.

³⁶⁰ S Suri 'RIGHTS: Need to Police African Police' <<http://www.ipsnews.net/news.asp?idnews=33596>> (accessed 21 August 2007).

is extortion, illegal arrests and detention.³⁶¹ To this can be added intimidation under the guise of expressions like ‘reasons of state, hostile origin or association, acts prejudicial to public safety or defence of the state’ which have been mystified and likened to subversion³⁶² and even terrorism.

4.2.6 Lack of Deterrence

Anyone wielding a gun is automatically a cause of fear for the majority of citizens. There have been many allegations of Police abusing the firearms issued to them as well as their uniforms. Police arms have been reportedly used in many robberies,³⁶³ which raises the question of the accountability for arms issued to Police at any one time.³⁶⁴ Some members of the public owning licensed guns have alleged that when they go for a renewal of licenses, no serious probe into the use of the guns and ammunitions is made. One may be asked whether he or she needs more ammunition even before they request for it.³⁶⁵ Furthermore, there is no record made of sales of ammunitions to people. This is very dangerous to our society since there is a growing incidence of armed robberies, murder and arbitrary shootings.

The absence of the strong deterrents has given rise to high level corruption in the Force. The legal sanctions are well prescribed in various laws described in Chapter 2.

Despite the laws and institutions, officers who engage in corrupt practices and are caught are left to go scot-free with their ill-gotten wealth. A good example in Uganda is that of Odomel (the then IGP) and Chris Bakiza (the then Director of CID) who both engaged in insider trading.³⁶⁶ Despite Odomel’s confession to Mr. Butime the then Minister of Internal Affairs that he indeed engaged in insider trading, the IGP merely tendered in his resignation which was accepted and he walked away with his wealth.³⁶⁷ Thus, a Constable, who is taken to an orderly room for discipline for extorting a bribe

³⁶¹ n 81 above, p 452.

³⁶² In Cameroon, subversion has been abrogated by law No 90/46 of 19/12/1990.

³⁶³ n 317above, p 102-106.

³⁶⁴ n 81 above, 452.

³⁶⁵ As above.

³⁶⁶ n 81 above, 316.

³⁶⁷ n 8 1 above, 454.

from a suspect, will see no reason why he is treated differently. The Commission also noted that when officers get convicted, they merely get transferred as if a transfer is a punishment.³⁶⁸ This is what happened in the case of the commissioner of Bafang division in Cameroon.³⁶⁹

The Sebutinde commission unearthed the extent of wealth amassed by senior officers in the UPF. Junior officers normally follow suit to the extent that corruption in the Force has been institutionalized.³⁷⁰ In the UPF, there is evidence of the embezzlement of funds allocated for the repairs and maintenance of Police vehicles, and fuel allocation- all of which has gone on for a very long time without any measure to curb it.

Government efforts to stamp out corruption in the UPF have had little or no success due to the absence of a tough, no nonsense machinery charged with the enforcement of existing legislation against corruption. This laxity and softness which is manifest in weak law enforcement machinery with no punishment for perpetrators does not and will not annihilate corruption in the Force.

From the preceding analysis, it can be seen that the average African is not in any way more corrupt than his or her European counterpart. The lone difference is that others have institutions, laws, conventions and practices which effectively discourage and punish corrupters and corruptees. Effective sanctions – moral, social, political and legal- are the antidote against corruption.³⁷¹

It is difficult to give the exact police prosecution records in Uganda and Cameroon due to the lack of cooperation by the police. However, there are isolated cases of sanctions such as that of Geoffrey *Nguku vs. Republic*,³⁷² *Josephat Mulwa Mukima vs. Republic*,³⁷³ Inspectors of Police Michael Ekane Gwesse and Emile Pongo of Douala,³⁷⁴ and the three Police Commissioners of Yaoundé.³⁷⁵

³⁶⁸ n 81 above, 37.

³⁶⁹ n 322 above.

³⁷⁰ n 81 above, p 399-429.

³⁷¹ n 353 above.

³⁷² Reported in (1989) 15 *Nairobi Law monthly*, 33 in n 2 above, p165.

³⁷³ As above, p 166.

³⁷⁴ D Bela. 'Deux policiers condamnés pour braquage' *Mutations* No 1418 (Lundi 06 juin 2005) 5.

³⁷⁵ n 186 above.

4.2.7 Pressure from the population, politicians and the administration

A major catalyst of corruption can be found in the very nature of society. Our society is such that, an investigator functions in an environment where every one is known to each other so to speak. Thus, a suspect soon discovers a cousin, an in-law or the friend to a friend of a forgotten aunt.³⁷⁶ He or she operates within a society where the belief in the occult is the common link among people and where he or she can find him or herself believing rightly or wrongly, that his sick child has been the victim of witchcraft.³⁷⁷ All these stand out as professional ethical dilemmas that the police are called up to deal with.

There is also the argument about social expectations on the part of society on most occupiers of public office. It has been suggested that society has a way of corrupting the public office holder because of the excessive demands and expectations that are placed on the resources of the individual and because of the African concept of the *big chief*, - the public office holder is expected to have an infinite resource or access to a sufficiently large resource base from which he or she is expected to consistently dish out.³⁷⁸ Such an argument is merely an escape route by corrupt public officers. Normally, responsibility and the challenge of leadership must encompass the courage and the ability to prevent such expectations and the fostering of a culture of temporary relief through the practice of tokenry rather than the practice of industry, handwork, self-reliance, prudence and exemplary living. The reason for the increase in corruption is partly due to economic development which increasingly puts pressure on the individual family's economy but probably primarily a political structure which allows and at times even encourages corruption.³⁷⁹

³⁷⁶ N. Soglo 'Formal Opening Address' in n 45 above, p19 (17-22).

³⁷⁷ As above.

³⁷⁸ n 45 above, p 28.

³⁷⁹ Report to the Danish Auditors of Public Accounts on the Use of Funds for the Rural Development Fund in Kenya, 1975 – 1991, as at October 1991.

4.2.8 The Uniting of the three Cameroon Police Forces

The former West Cameroon Police Force (WCPF) had its origins in Nigeria Police Force (NPF). The majority of its serving members were ex-members of the NPF, who due to the political changes in 1961, when the then Southern Cameroon decided to secede from the Federation of Nigeria and unify with the then French Cameroon, opted to transfer to the WCPF. The federal constitution of September 1, 1961 gave provision for three police systems, namely the WCPF, the Federal Police and the East Cameroon Police. These were by decree³⁸⁰ united into a national force to achieve unity, cohesion and development.³⁸¹ Yet another decree gave it a special autonomous status.³⁸² This assimilation³⁸³ of the WCPF which is seen to be different in recruitment, discipline and training is seen by some of the Anglophones as one of the major causes of corruption.³⁸⁴ However, this argument can only be sustained if the NPF fashioned after Britain and which remained thus is not corrupt.

4.2.9 African Tradition

Some claim that the corrupt African culture of 'appreciation' and 'hospitality' encourages corrupt practices. However, as Aderinwale has pointed out in African culture,

--- the gift is usually voluntarily given, it is not demanded; it is done in the open, and not in the secret. The gift is usually a token and the value is usually in the spirit rather than the material worth. Where the gift is excessive, it becomes an embarrassment and is usually returned.³⁸⁵

If anything, corruption has perverted and destroyed this aspect of our culture.

³⁸⁰ Decree 69 DF 160 of 3 may 1969 organising the national security.

³⁸¹ n 22 above, p 195.

³⁸² Decree 68DF 222 modifying of 10th June 1968 specially the general status of the federal public service in, J-E Pondi *Paul Pondi, le temps de la parole* (2005)86.

³⁸³ n 22 above, p 197.

³⁸⁴ SERVIR: *Revue de la Police Camerounaise* (Juillet 1988) 10.

³⁸⁵ n 45 above, p 2.

4.2.10 Lack of human rights education

In most universities on the African continent, the subject of human rights is either optional or touched on in passing in courses like Constitutional Law, and Public International Law. Most of the people recruited in the police-especially in the lower grades-are poorly educated. Although the topic of human rights has been included in the syllabuses of the police schools in Cameroon and Uganda, most of the teachers simply recite the international instruments. On the other hand, many of our citizens are yet to know their rights with precision. As Professor Mudiaja Obje remarked; 'the majority of the citizens are not in a position to assert or defend their rights because of either ignorance or impecuniosity or both'. He added that 'this calls for the question of equal access to the law for both the rich and the poor alike and the provision of some system of legal aid'³⁸⁶ A good lesson of human rights must demonstrate the range of human rights that are violated as a result of corruption.

4.2.11 Political will and partisan politics³⁸⁷

In spite of the legislative and policy measures and institutions established to combat corruption, these efforts have often floundered in the face of the absence of 'political will'³⁸⁸ on the political leadership to address incidences of corruption.³⁸⁹ In Uganda, the Kakooza Mutale affair before the High Court and of the Leadership Code before the Constitutional Court and the decisions of the two courts have had far-reaching ramifications not only on the Code (and powers of the IG) but also the overall perception of the government's political will to fight corruption and abuse of office.³⁹⁰ The decisions could not have come at a time defined by a lack of lustre approach and the absence of political will to fight corruption that had become a feature of the Movement

³⁸⁶ UN sponsored conference on 'African Jurist on African legal process and the individual' 5/7/1971.

³⁸⁷ n 9 above, p 7.

³⁸⁸ G Ayittey 'The African Executive-Heads of State or Chief Bandits?'

<<http://www.africanexecutive.com/modules/magazine/articles.php?article=2163&magazine=113>> (accessed August 26 2007).

³⁸⁹ n 2 above, p 166.

³⁹⁰ n 9 above, p 36.

government.³⁹¹ This perception is not helped by a number of events, some dating back to the Kakooza Mutale affair and others as recent in 2003-4, viz.—

(a) President depositing an affidavit in respect of the petition before the High Court to the effect that if the IG's recommendation was wrong, the presidential aide, Kakooza Mutale, would be reinstated.³⁹²

(b) The standoff between the IG and Solicitor-General over a file involving the payment of compensation to certain individuals and the President's 'intervention' in the matter³⁹³ and

(c) The Cabinet's proposals to the Constitutional Review Commission (CRC) in September 2003 recommending significant changes to the powers and position of the IG.³⁹⁴

The seeming absence of political will was already evident in the sixth parliament when there was inaction by the authorities to sack two ministers accused of influence-peddling and conflict of interest and where a planned parliamentary censure of the then Vice-President for the mismanagement of 'valley-dam' funds was hijacked by her removal from the agriculture ministry portfolio.³⁹⁵ The return of the censured of ministers to Cabinet in 2001 reinforced the feeling of political inaction on corruption. This is quite apparent from the failure of government to deal with issues surrounding the dubious sale of Uganda Commercial Bank, in spite of a damning report by a parliamentary committee, the National Drugs Authority (NDA) scandal, again involving a previously censured minister, junk helicopters inquiry, the list is long.

Writing on corruption in Nigeria, Chinua Achebe observes that for corruption to be controlled, the president 'must take, and be seen to take, a decisive first step of ridding his administration of all persons on whom the slightest wind of corruption and scandal has blown --- Only then can he take on and conquer corruption in this nation.'³⁹⁶ The

³⁹¹ As above.

³⁹² As above.

³⁹³ n 9 above, p 37.

³⁹⁴ As above.

³⁹⁵ As above.

³⁹⁶ C Achebe *The Trouble with Nigeria* (1984) 42-43.

recent action by Cameroon's President Biya of arresting several of his ministers³⁹⁷ on corruption charges falls within this framework. Here, Biya joins his contemporaries³⁹⁸ in recognising the need to fight corruption. This is seen as a shift in attitude due to international pressure.³⁹⁹

4.3 Effects of lack of Accountability and corruption in the Police

Be it in Uganda or Cameroon, corruption has brought the Force into public disrepute and ridicule. People have discredited its professional competence. Deserving people are denied services they are entitled to and instead the criminals who have the money pay their way out of the crimes they have committed. Indeed, people sometimes feel that they go to the police because they have no other choice. Many have thus resorted to taking the law into their hands.⁴⁰⁰

Corruption has de-humanized the force. A policeperson who is given to corrupt practices erodes his/her humanity. Corruption has bred nepotism and other sectarian tendencies in the Force. If promotions, deployments and transfers are not done on merit and well known criteria, the officers who are left out live in desperation and lose confidence in those who occupy leadership positions. As a result the force loses cohesion among its members. Alliances, cliques and camps within the Force spring up. Finally, you get gangs fighting against each other in a power struggle. Survival becomes the order of the day while policing duties become secondary.⁴⁰¹

Corruption in the Police Force has adversely affected work performance and cost the institution and government colossal sums of money in terms of funds embezzled, the overpricing of various goods and services supplied by corrupt officials. It has earned the force a very bad name. As a result, the public do not trust the Police Force to do a good

³⁹⁷ Examples are Mounchipou, Siyam Siewe, and GE Odong Ndong.

³⁹⁸ M Massaquoi 'Sierra Leone Police boss vows to curb corruption' *Concord Times*, 10/3/2006 <<http://www.africanpolicing.org/Sierra%20Leone%20Police%20News%20August%202006.pdf>> (accessed on 22 August 2007).

³⁹⁹ Multi-Donor Governance and Anti-Corruption Mission to Cameroon Final Report <<http://www.oecd.org/dataoecd/40/51/37687235.pdf>> (accessed on 22 August 2007).

⁴⁰⁰ n 81 above, p 454.

⁴⁰¹ n 81 above, 455.

job. On average in Uganda, they prefer the army, which appears more disciplined although better motivated.⁴⁰² Altafuah holds that the social cost of corruption are a loss of legitimacy and respect for legally constituted authority, debasement of the moral fibre of a society, the demoralization of the honest person; mediocrity, and fosters the appointment of 'square pegs in round holes'.⁴⁰³ Some of these developments are reflected in increasing occurrences of absenteeism and indiscipline in the civil service.⁴⁰⁴

4.4 Conclusion

Although corruption cannot be wiped out, it can in the short run be contained. This can be done by introducing measures that clearly make corruption a high risk option. This chapter has examined the possible causes of corruption, their manifestations and effects. On the basis of the above, this work is concluded in the next chapter with a recommendation of the measures that are necessary in order to control police corruption.

⁴⁰² As above.

⁴⁰³ Altafuah 1999 'Public Service ethics in Africa' quoted (n 81 above) 455.

⁴⁰⁴ n 2 above, p 115.

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusion

In the course of this study, an attempt has been made to situate police corruption within the broader context of Corruption. The work posits that most efforts at eradicating this scourge have failed because of the holistic approach used. A sector specific approach is therefore proposed with priority given to the police due to the important role they are called upon to play in the fight. It is hoped that a sane police force can successfully fight corruption learning from examples where poor police officers get drowned in the fight against corruption.⁴⁰⁵

A study on the police in Cameroon and Uganda brings out the following points:

- While the Cameroon police force is headed either by a police man or a civilian, that of Uganda in the recent past has consistently being headed by a military general;
- While the roles of the army and the police are very distinct in Cameroon,⁴⁰⁶ Uganda is living an era of confusion of roles and the over-militarization of the police;
- While the UPF have a personnel of about 13,129⁴⁰⁷ for a population of 26 million; the CPF has about 18000⁴⁰⁸ in a population of 18 million;
- Police is a reflection of society. A rotten society will most probably produce a rotten Police.⁴⁰⁹ Efforts to improve the effectiveness of the Police must have a wider focus and cover the entire society.⁴¹⁰

⁴⁰⁵ n 253 above, p45.

⁴⁰⁶ Inter-ministerial circular No 8/VP/INT/2308/MINFA/362/PS/S of 16 October 1964 on the complementarity of the forces.

⁴⁰⁷ UPF (2003) PEAP Revision Information paper Quoted in Commonwealth Human Rights Initiative *A review of the Uganda Police Force Budget and its effects on Crime Management* (2006) 26.

⁴⁰⁸ Estimate of Commissioner Ngounte Robert- Service head for personnel by telephone on 15 October 2007.

⁴⁰⁹ SD Jordan *A Culture of Corruption: Everyday Deception and Popular Discontent in Nigeria* (2006) 77.

⁴¹⁰ n 81 above, p 455.

- While complaints of corruption in the UPF received attention of the hierarchy (see Sebutinde commission), non such has been done in Cameroon and there is no likelihood of such in the near future.

However, lessons from the literature on the study of police corruption reveals eleven key messages⁴¹¹ central to the understanding of corruption which should underpin reforms introduced for its prevention:

- Police corruption is pervasive, continuing and not bounded by rank,⁴¹²
- Any definition of corruption should cover both 'financial' and 'process' corruption, and should acknowledge the varying means, ends and motives of corrupt activities;
- The boundary between 'corrupt' and 'non-corrupt' activities is difficult to define, primarily because this is at heart an ethical problem;
- Police corruption cannot simply be explained as the product of a few 'bad apples',⁴¹³
- The 'causes' of corruption include: factors that are intrinsic to policing as a job; the nature of police organisations; the nature of 'police culture'; the opportunities for corruption presented by the 'political' and 'task' environments; and, the nature and extent of the effort put in to controlling corruption;⁴¹⁴
- Some areas of policing are more prone to corruption than others;
- Although there are many barriers to successful corruption control, there is evidence that police agencies can be reformed;
- Reform needs to go beyond the immediately identified problem;

⁴¹¹ T Newburn (ed) 'Understanding and Preventing Police Corruption: lessons from literature' http://www.policeoracle.com/news_articles/police_news/Preventing_Police_Corruption_56.htm (accessed on 26 September 2007).

⁴¹² M Paolo 'The Persistence of Corruption and Slow Economic Growth (2004) 3.

⁴¹³ Andrew Faull 'Corruption and the South African Police Service A review and its implications' <http://www.iss.co.za/dynamic/administration/file_manager/file_links/PAPER150PDF.PDF?link_id=&slink_id=5030&link_type=&slink_type=23&tmpl_id=3> (accessed on 27 September 2007).

⁴¹⁴ n 246 above.

- Reform must look at the political and task environments as well as the organisation itself;
- Reform tends not to be durable; and
- Continued vigilance and scepticism is vital.

It can further be seen that realistic mechanisms for eradicating or minimising corruption do not exist. Clearly, the political elite or further` still the police hierarchy benefit too substantially from the corruption industry to want to dismantle it in spite of its debilitating effects. However, ordinary citizens will like to see corruption addressed and redressed by the government.⁴¹⁵ The majority of Cameroonians and Ugandans do recognise and resent the adverse effects of corruption, but appear to have resigned themselves to the malaise.⁴¹⁶ This resignation stems from a sense of betrayal and a breach of the 'social contract' between the government and their respective peoples.⁴¹⁷

5.2 Recommendations on measures to fight corruption

This work lauds the efforts of both governments in attempting to stamp out corruption. For example, Cameroon launched the famous '*Operation Epervier*' that targeted some former General Managers of State-owned Corporations, senior government officials and some of their very close collaborators for questioning. Uganda abounds in anti-corruption structures.

5.2.1 Procedures and regulations against corruption.

- . Police Officers are should not engage in any industrial, commercial and professional activities which were related to, or might be influenced by their functions or duties.⁴¹⁸
- . There should be total prohibition of any gift from third parties to the police.
- . The Anti-Corruption Laws and institutions need to be strengthened.
- . Special anti-corruption units or investigation offices as well as independent investigating procedures for the police should be put in place.

⁴¹⁵ n 81 above, p 96-222.

⁴¹⁶ B Baker 'Multi-choice Policing in Uganda', *Policing and Society*, 15, 1 Attachment from the author.

⁴¹⁷ B Baker 'Beyond the State Police in Urban Uganda and Sierra Leone', Attachment from the author.

⁴¹⁸ n 24 above, art 27.

. Internal disciplinary procedure with sanctions ranging from fines, reduction of rank, reduction of remuneration, dismissal, suspension to imprisonment should be re in forced.

. There is a need for a comprehensive and thorough-going reform of the police in terms of its size, career quality, and sense of public duty, discipline, procedures and ethics; besides establishing a code of ethics to govern the conduct of the police.⁴¹⁹

5.2.2. The Parliament

The role of the parliamentarians in the fight against corruption is not better expressed than by the participants in the Africa Leadership Forum.⁴²⁰ They observed that parliamentarians must not only be incorruptible, they must also be seen as being transparent in their actions. However this is not always the case.⁴²¹ This is explained by the fact that a corrupt parliamentarian cannot perform his or her duty without fear of consequent reprisal. Immunity from persecution for corruption and other wrongful acts should not be conferred on parliamentarians.⁴²² Cameroon can learn from Uganda as far as parliamentary oversight of the police is concerned.

5.2.3 Criminal Procedures

On the procedural law scene, it is suggested that in all cases of police corruption, the onus of disproving corrupt enrichment, should lie on the police officer concerned.⁴²³ If President Biya did not flagrantly challenge civil society to produce evidence of allegations of corruption in the early 1990s⁴²⁴ we would not have found ourselves in a situation where some few individuals 'are scandalously rich amidst the poor'.⁴²⁵ Our legal system should be liberalised, the procedural requirement of *locus standi* to initiate

⁴¹⁹ JM Mbaku 'Corruption and the Crisis of Institutional Reforms in Africa' in JM Mbaku, ed., *Corruption and the Crisis of Institutional Reforms in Africa* (1998)66.

⁴²⁰ n 45 above, p 6.

⁴²¹ 'Political Parties Are Most Corrupt Institution Worldwide' Paris/Berlin, December 9, 2004 <<http://www.contactomagazine.com/corruption1210.htm>> (accessed on 20 September 2007)

⁴²² n 420 above.

⁴²³ Afe Babalola, 'Legal and Judicial System and Corruption' n 45 above, p114.

⁴²⁴ n 13 above.

⁴²⁵ n 16 above.

actions in court in cases raising issues of corruption either in business or legal circles⁴²⁶. The public-spirited person who files an action in court alleging corruption against the police should not be denied access to court simply because he or she cannot show that his or her personal interest or rights have been infringed by the act being complained of.

5.2.4 Prosecution

Past and present corrupt leaders of the police must not only be punished under due processes of law, it must be done at the right time and must be given due publicity to serve as a deterrent to others and to end the present culture of respect accorded to those who have corruptly amassed fortunes.⁴²⁷

5.2.5 External Accountability

With the failure of special police units⁴²⁸ to police the police in Cameroon⁴²⁹ as well as in other countries, civilian oversight should be encouraged.⁴³⁰ In effect, there is a need to establish a citizen's commission against corruption with investigative and prosecutorial powers to complement the efforts of governmental/ formal institutions.

5.2.6 Education

Corruption and the measures to fight it should be a subject in the police academy and training colleges.⁴³¹ There is a need to embark upon intensive educational programmes so as to sensitize the people on the evils of corruption; the role the police ought to play in the fight; to arouse their anger against corrupt practices and the perpetrators; to instil a sense of responsibility and duty in them, and to elicit their co-operation in the fight

⁴²⁶ n 423 above, p115.

⁴²⁷ n 45 above, p 9.

⁴²⁸ n 2 above, p198.

⁴²⁹ The `Securite civile` or now the General Control of Services.

⁴³⁰ D Bruce 'Accountability and Civilian Oversight of Police in South Africa: cases received by the Independent Complaints Directorate' Attachment from the author.

⁴³¹ 'Ethics Training in Law Enforcement'

<<http://web.archive.org/web/20010620062511/http://theiacp.org/pubinfo/Pubs/ethictrain.htm>> (accessed 15 August 2007).

against corruption. Moral Education by parents⁴³² and subsequently supplementary readers should be developed for young people. The stories in these readers must bring into prominence the virtues in goodness, selflessness, courage, honesty, hard work, diligence, loyalty, obedience, respect for elders and inviolability of truth.⁴³³

5.2.7 De-politicisation of the police

In Uganda the appointment of ASP Andrew Kaweesi, the Personal Assistant to the IGP to take over from SSP Charles Mukyangwali as Commander of the Police Training School at Masindi⁴³⁴ was patently political. Analysts feel that his appointment was not unrelated to the fact that he barked '*chama chetu cha NRM* (NRM our party) while commanding a parade at a recent pass out of constables in Masindi.⁴³⁵ However, Kaweesi sees himself qualified for the post due to the fact that he joined the police as a teacher and had been deputy commander of the school.⁴³⁶ Be that as it is, as long as the police remains as highly politicised as it is now, any anti-corruption efforts will remain ineffective.⁴³⁷ The attitude of some politicians marries political corruption with police corruption.⁴³⁸ That is manifested in the politicisation of the police, law and the abusive use of phrases like 'acts not conducive to the safety of the state, not reasonable for national security, subversion or acts which jeopardise national security or public prosecution and or terrorism.'⁴³⁹

5.2.8 Declaration of assets⁴⁴⁰

The legislation on the declaration of assets should be amended to include all police officers from the moment they join the corps and this declaration should be subject to

⁴³² n 45 above, p 9.

⁴³³ n 45 above, p13

⁴³⁴ n 270 above.

⁴³⁵ As above.

⁴³⁶ Interview with ASP Andrew Kaweesi.

⁴³⁷ n 2 above, p 135.

⁴³⁸ AK Koroma and M Kandeh 'Police vow to resist political interference' *Concord Times*, 10/3/06 <<http://www.africanpolicing.org/Sierra%20Leone%20Police%20News%20August%202006.pdf>> (accessed on 17 July 2007).

⁴³⁹ Terrorism is yet to have a standard definition. However, states use it to justify human rights violations.

⁴⁴⁰ The 1996 Constitution of Cameroon art 66.

regular review. Members of the public should be given statutory *locus standi* to challenge the correctness or otherwise of assets-declaration in a court of law by affidavit evidence.⁴⁴¹ The present practice (at least in the case of Cameroon) whereby public officers secretly declare their assets is unproductive. False declaration should be made criminal.⁴⁴² On their part, people on their on part should be ready and willing to ventilate all cases of police corruption because it is a jurisprudential truth that no matter how good the laws of a country might be, no, matter how courageous and activist the judiciary might be, they must be activated and functionalised by the citizenry.⁴⁴³ Thus, if a public officer makes a false declaration⁴⁴⁴ of his or her assets even in the public, and nobody challenges the declaration, the legislative provision against false assets declaration would have been an exercise in futility.

5.2.9 Anti- corruption special court⁴⁴⁵

The prosecutorial and judicial institutions have come under particular attack for the ineffectiveness of efforts to prosecute incidences of corruption.⁴⁴⁶ Furthermore, separate blame has been attached to evidentiary procedures and requirements before courts as not suited to dealing with corruption. The constitutional provision for the establishment of a special anti-corruption court in Uganda can be copied by Cameroon. This can be justified by the difficulties that ordinary courts, bogged down with both criminal and civil case-loads, have had in disposing off cases.⁴⁴⁷

5.2.10 Salaries

It is important to ensure that Police are provided with insurance and assurance of more secure way of life by bettering their conditions of service. It should be noted that paying

⁴⁴¹ n 81 above, Appendix 8 p 241 – 253.

⁴⁴² n 45 above, p12.

⁴⁴³ n 423 above, p119.

⁴⁴⁴ n 81 above, Appendix 8 , p 241-253.

⁴⁴⁵ JD Phelps 'Police Corruption: A Positive Response' (2000)
<http://som.csudh.edu/dkarber/501s00/jphelps/501paper.htm> (accessed on 16 July 2007).

⁴⁴⁶ n 41 above.

⁴⁴⁷ n 9 above, p 37.

living wages to police officers not only motivates them, but also removes to some extent the temptation to ask for bribes.

5.3 Other tools for fighting corruption

There are a number of less acknowledged but highly laudable efforts to combat the problem of corruption. These efforts can be categorized as expositive, agitative and pressure oriented.⁴⁴⁸ While the expositive role should be played by a responsible⁴⁴⁹ press;⁴⁵⁰ the agitative role is played by civil society⁴⁵¹ organisations such as NGOs⁴⁵² and the church.⁴⁵³ The pressure oriented efforts to eradicate corruption should come from international institutions.⁴⁵⁴

This work posits that much effort at eradicating corruption should be concentrated on the police⁴⁵⁵ and subsequently a sane police can be used in the holistic fight against the scourge.

Corruption is seen to be pervasive in the force, and this state of affairs can be explained by factors that are intrinsic to policing as a job; the nature of police organisations; the nature of 'police culture'; the opportunities for corruption presented by the 'political' and

⁴⁴⁸ n 2 above, p168-9.

⁴⁴⁹ Bribery is very rampant in the media sector in Cameroon; where it is referred to as '*gombo*'.

⁴⁵⁰ Agencia de Informacao de Mocambique 'Media and NGOs lead the fight against corruption' 04 August 2005 <<http://www.afrimap.org/newsarticle.php?id=21>> (accessed on 26 July 2007).

⁴⁵¹ E Uslaner 'Corruption and the Inequality Trap in Africa A comparative series of national, public attitude surveys on democracy, markets and civil society in Africa' (2007) <<http://www.afrobarometer.org/papers/AfropaperNo69.pdf>> (accessed on 25 August 2007).

⁴⁵² n 2 above, p 169.

⁴⁵³ E Weinberger 'In Cameroon, Catholic schools pilot program to fight corruption' CNS Story <<http://www.catholicnews.com/data/stories/cns/0603114.htm>> (accessed on 23 August 2007).

⁴⁵⁴ NM Timah 'How To Unravel Cameroon From the Corruption Quagmire Without An Implosion' (2006) in <http://www.njeitimah-outlook.com/articles/article/2076046/47488.htm> > (accessed on 22 August 2007)

⁴⁵⁵ FL. Perry 'Repairing Broken Windows - police corruption' (2001) <http://findarticles.com/p/articles/mi_m2194/is_2_70/ai_72299788> (accessed 15 may 2007).

'task' environments; and, the nature and extent of the effort put in to controlling corruption.

The department in charge of investigation of serious crimes (CID in Uganda) or the Judicial Police (in Cameroon) coupled with the traffic police are so prone to corruption that they respectively are near virgin grounds on which future research could toil.

Finally while lauding the efforts of the Sebutinde Commission this work ends on an appeal to the government of Cameroon and other African governments to set up similar commissions in order to probe into their respective police forces.

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Interviews

Interview with ASP NSUBUGA Simeo, PRO for Kampala District at his office on Saturday 27 October, 2007 at 10 am.

Interview of SSP Steven Kasiimi, Commissioner in charge of traffic and road safety on Saturday October 27 at his Kampala office

Interview with ASP Andrew Kaweesi on Sunday 28 October 2007 at the central Police Station-Kampala.