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Facilitation in the Criminal Justice System

A Systems Analysis of Corruption in the Police and Courts in Northern Uganda.



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WITH ASSISTANCE FROM

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Institute for Human Security

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Corruption, Justice and Legitimacy Project

The Corruption, Justice, and Legitimacy (CJL) project advances innovative approaches to corruption analysis in fragile and conflict-affected contexts. Focusing on the criminal justice sector, the project supports more holistic efforts to diminish corruption in core state activities related to human security. Building upon prior research for the U.S. Department of State Bureau of International Narcotics and Law Enforcement, the CJL project has discovered that the principal-agent theory of change which dominates Western aid policy rarely alters corruption dynamics. The project puts policy makers' assumptions about corruption's effects on state legitimacy to evidential tests, and generates nuanced analysis of the dynamics of the corruption-legitimacy relationship. This is a prerequisite for designing effective anti-corruption responses.

This paper is the second in a series of papers that will result from this project. The first, "Taking the Blinders Off: Questioning how international aid is used to combat corruption" explains how corruption is best understood through a complexity lens which is contrary to the dominant anti-corruption approaches. The project also hosts a blog on corruption in fragile states which promotes discussion about effectiveness in anti-corruption efforts in conflict and fragile affected states (<http://www.blog.cdacollaborative.org/category/anti-corruption/>).

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Acronyms

CJS	Criminal Justice Sector
CSO	Civil Society Organization
JLOS	Justice, Law, and Order Sector
LRA	Lord’s Resistance Army
NRM	National Resistance Movement
UNP	Uganda National Police

Executive Summary

“Man must eateth where one worketh”

Corruption in the police and criminal courts in Northern Uganda is the system—not the exception. In survey after survey, police are consistently ranked the most corrupt state institution, with the judiciary following in the top three. In response—and in line with the global commitment to justice, governance, and accountability entrenched in the Sustainable Development Goals and the New Deal—development partners have made significant investments and spent diplomatic effort on these issues. The country has a robust legal framework and extensive anti-corruption infrastructure. Yet, crimes such as theft, burglary and robbery are experienced by a large swath of citizens, particularly those in vulnerable, rural communities, while corruption has proven to be highly resilient, and may even be on the increase.¹

Corruption studies, annual indexes, investigative journalism, and citizen reporting in Uganda are ubiquitous. Yet the enablers and drivers of corruption, and the reasons corruption has been so resistant to efforts to combat it, have received little attention. This paper is the first in a two-part analysis of these drivers, based on qualitative research conducted on the criminal justice elements of the police and courts in Northern Uganda. It explores how corruption functions in the police and courts, why it persists, and the impact it has on the legitimacy of these institutions.

“A properly fed child will not steal. A child that isn’t fed properly will.”

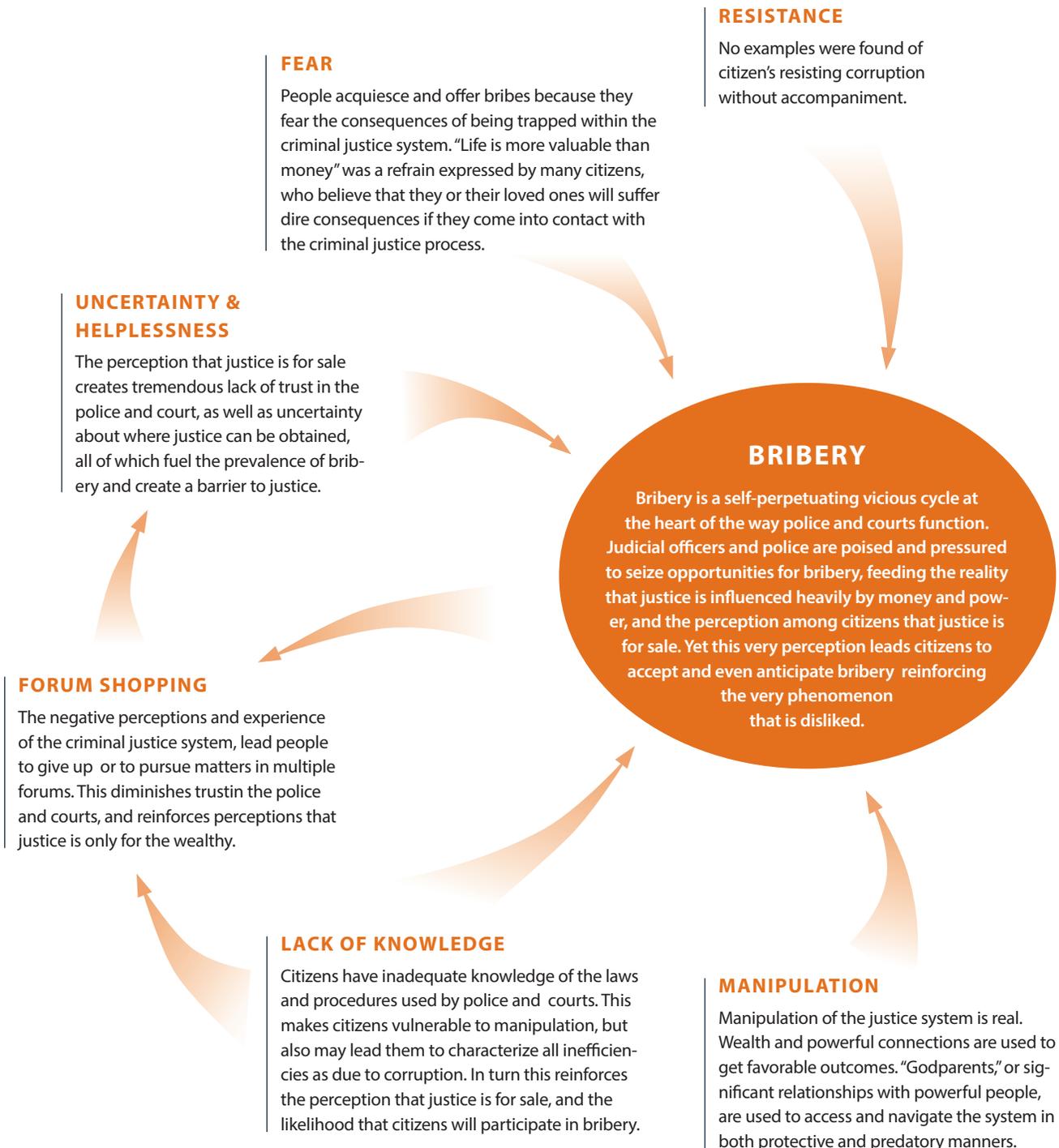
The analysis is grounded in the assumption that, to understand how corruption functions (and therefore can be disrupted), one needs to identify its enablers and drivers, how they are related, and how they interact with the larger socio-economic, political, and cultural context. The factors are analyzed as a dynamic system, and visually represented in a systems map. A few of the uses of such a map include:

- understanding of multiple perspectives on causes of corruption and how they interact,
- new insights into where one can intervene in the system,
- the identification of potential effects of an intervention, including inadvertent negative consequences, and sources of resistance to it, and
- acting as a co-ordination tool, so multiple actors can strategically allocate their resources in a way that compliments an overall anti-corruption strategy.

THE SYSTEM OF CORRUPTION IN THE POLICE AND COURTS

Our research uncovered interlocking sets of dynamics that influence each other and make corruption resistant to change: one set of dynamics that drive citizens to engage in or accede to corruption, and another (slightly different) set of dynamics driving police and judicial officers' behavior.

The People's Perspective



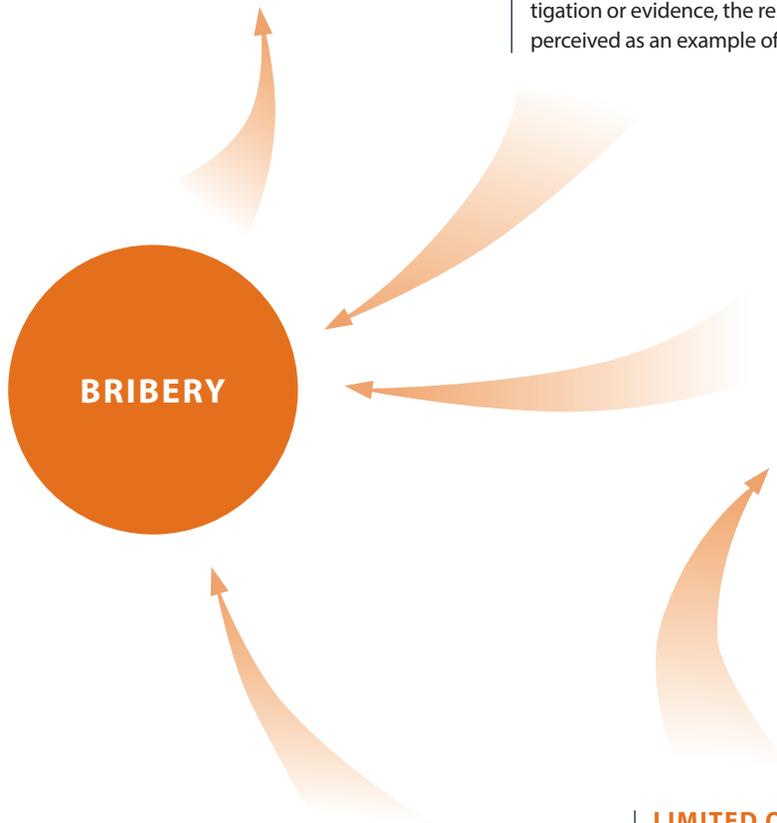
The Police & Judicial Officer Perspective

RESISTANCE

Respondents spoke of people within the system who were not corrupt with great respect. These people take personal risks in order to step out of the expected pattern of behavior, namely, corruption. This stance comes at a social and professional cost to many.

RESOURCE CONSTRAINTS

Capacity constraints include material infrastructure (e.g. fuel) and staff competencies. Mainly noted in relation to the police, these constraints create incentives for bribery and challenges to prosecuting cases. When such constraints lead to flawed investigation or evidence, the resulting acquittal is again perceived as an example of corruption



NORMALIZATION & PEER PRESSURE

Corruption has become so habitual among the police and judicial officers that it is now normal behavior. Implicit peer and professional sanctioning systems have developed over time to ensure that people do not deviate from this “norm.” Police or judges who refuse to engage in corruption may be ostracized personally and/or suffer professional consequences (e.g. being transferred). This serves to further strengthen the normalization of corruption, undermining the strength of formal rules, and increasing opportunities to demand bribes.

SOCIAL PRESSURE

Officials experience sizable pressure to obtain status symbols perceived to be commensurate with their position. Many people talked of a general mentality of “grab what you can today”—accumulating wealth quickly—that has been, in part, a response to general uncertainty about the future. However, this pressure to have status symbols fuels the perpetual cycle of bribery

LIMITED OVERSIGHT

Scant oversight weakens implementation of formal rules. Incentives to provide oversight are limited because all levels in the hierarchy—even at the level of the regime itself—are participating in some form of corruption, and it would not be in their interest to pursue an agenda of control or transparency.

FUNCTIONS OF CORRUPTION IN NORTHERN UGANDA

Our research found that the system of corruption serves different functions for different actors in and related to the criminal justice elements of the police and courts in Northern Uganda. Corruption is used:

- by citizens as a means to access the police and courts, in pursuit of justice, or to manipulate the police and court to advance an agenda or protect oneself;
- by the elite to maintain their position and/or power (and, ultimately, dominance);
- by those inside the CJS as a means of paying for operating expenses, generating resources to ensure day-to-day survival, buttressing against the uncertainty of the context, signaling power, and feeding greed.

Conclusion

“Who should remain slim?”

The distinct, yet interrelated, dynamics driving citizen and judicial/police participation in corruption suggest that without a coordinated, multi-level strategy, progress in combatting corruption will be difficult. The second (forthcoming) phase of this research is a mapping of current anti-corruption and justice reform efforts, and analysis of prospects for success, gaps, and potential areas for enhancement, grounded in an understanding of the dynamics of corruption in the sector.

I. Introduction

Iweka aweka (are you just leaving me like that)

“This is Uganda.” This is how people responded when we asked why corruption happens in the police and courts. It is well known that corruption happens: it is documented by the government itself, a daily feature on the front pages of the local papers, and researched extensively.² The police and courts—key institutions for combatting corruption—are far from exempt; in the 2008 Uganda Integrity Survey, the police were named the most corrupt institution, with the Judiciary coming in third. Indeed, the 2012 and 2014 East African Index found the Uganda National Police (UNP) to be the most bribery-prone and corrupt institution in East Africa, and research by Makerere University’s Economic Policy Research Centre in 2014 found that citizens felt the UNP was the most corrupt public institution. Strikingly, internal and external sources assert that corruption is getting worse, not better, in Uganda.³

Globally the international community has acknowledged the importance of promoting access to justice and addressing corruption, especially for fragile states. Goal #16 of the 2016 Sustainable Development Goals call for states to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” and specifically to “substantially reduce corruption and bribery in all their forms.”⁴ One of the five “Peacebuilding and Statebuilding Goals” of the New Deal for Engagement in Fragile States also focuses on increasing access to justice.⁵

Development cooperation partners’ support in Uganda is aligned with these global commitments, with significant investment in justice reform and anti-corruption efforts. Over the past 10 years, the United States, Britain, and Denmark all have made investments ranging from USD 40 – 100 million on these issues. Multilateral institutions such as the World Bank and United Nations agencies have also actively supported work on corruption and justice. Indeed, since 2013, there has been an almost unprecedented level of donor co-ordination in this area through the Democratic Governance Facility (DGF), which “supports state and non-state partners to strengthen democratization, protect human rights, improve access to justice and enhance accountability in Uganda.”⁶

Nwong ginoro me weo (get something for resting)

Yet despite this substantial engagement, corruption in the justice sector has proven highly resilient. Uganda has almost every institution, law, procedure, and body that one expects to find in a robust criminal justice system based on English common law and customary law. Similarly, the country has an impressive array of anti-corruption laws, institutions, bodies, and initiatives, such as the Anti-Corruption Court, the Inspectorate

General, and the Data Tracking Mechanism. In 2011, Global Integrity, an American organization that assesses the integrity infrastructure in countries, gave Uganda a 98/100 (very strong rating) on its legal framework.

Anti-corruption initiatives specific to the police and courts also exist. Within the police there are several internal accountability mechanisms, such as a code of conduct, police disciplinary courts, a police complaints system, and a human rights and complaints desk. The judiciary also has its own set of internal oversight bodies, such as the Judicial Services Commission.

Despite the robust framework for anti-corruption, and the emphasis on rule of law and security in the 2007-2010 Peace, Recovery and Development Plan for Northern Uganda, the administration of justice and rule of law remains uneven across the country, fractured by limited funding, insufficient training, ad hoc oversight, and inadequate equipment.⁷ The same Global Integrity 2011 report gave implementation of said legal framework a 51/100 or a ‘very weak’ rating. As the Inspector General, Irene Mulyagonja Kakooza notes, “despite this strong framework, corruption remains a menace in our society.”⁸

Ginoro me airtime (give me some money for airtime)

It needs to be recognized that rule of law institutions came to Northern Uganda later than in the rest of the country, because of the conflict with the Lord’s Resistance Army (LRA).⁹ Armed hostilities between the LRA and the government officially ended in 2006, though no Peace Agreement has been signed to date. The Ugandan government’s counterinsurgency campaign in the North was marked by widespread human rights abuses and violence against civilians, as the National Resistance Army (and its successor, the Uganda People’s Defense Force) attempted to destroy suspected rebel support among local communities.

Government violence reached its peaks during ‘Operation North’ in 1991, and after the government instituted a brutal policy of forced displacement in 1996, driving hundreds of thousands of Acholis into camps. These camps, which the government euphemistically referred to as “protected villages,” served as *de facto* internment camps characterized by catastrophic humanitarian conditions. At the height of the conflict, the camps encompassed almost the entire rural population of the Acholi subregion.¹⁰ By October 2003, nearly 87% of the ethnic Acholi population in Gulu, Kitgum, and Pader had been displaced by the LRA’s violence and the government’s counter-insurgency operations. In the later years of the conflict, the violence also led to widespread displacement in the Lango sub-region.¹¹

Getting the full spectrum of the legal system implemented is crucial for development. However, first and foremost, crime is a significant problem in Uganda. “Over a four-year period, almost 90% of Ugandan people experienced one or more serious justice need(s) that were severe and difficult to resolve.”¹² The same 2016 study conducted by HiiL, a European justice advocacy organization, found that 33% of survey respondents

identified criminal issues as those most frequently experienced. Further crime—namely theft, burglary and robbery—is most prevalent in the North.

There have been significant attempts to ‘measure’ corruption in Uganda, with substantial analyses of the forms, extent and cost of corruption¹³. Yet the drivers of corruption, and the reasons corruption has been so resistant to efforts to combat it, have received little attention. The resilience of corruption in the police and courts despite significant anti-corruption infrastructure makes a focus on understanding these drivers a priority. To develop effective anti-corruption policies and programs in the police and courts, it is helpful not only to know what forms corruption takes, but also to understand *why* the corruption is occurring.

Ginoro me matopii (give me some money for water)

This paper is the first in a two-part analysis: the first piece explores *how* corruption functions in the criminal justice sector, and how it impacts the legitimacy of those institutions in Northern Uganda.¹⁴ We offer a nuanced analysis of the drivers of corruption, and the ways in which the patterns of interaction between them make it difficult to disrupt it. The analysis, including a systemic ‘map’ of corruption in the police and criminal courts (hereafter referred to as courts) in Northern Uganda, is intended to act as a resource for the community of actors who work on corruption in police and justice systems. The second (forthcoming) phase is a mapping of current anti-corruption and justice reform efforts, and analysis of prospects for success, gaps, and potential areas for enhancement, grounded in an understanding of the dynamics of corruption in the sector.

This analysis is grounded in original research conducted in the **Gulu and Lira** districts in April 2016, involving 111 interviews with citizens and NGOs, as well as personnel dealing with criminal cases within the police and courts.¹⁵ The analysis starts with a description of what citizens perceive to be corruption in the police and courts in Northern Uganda. From there, it tells the story of the functions corruption plays, the factors that drive and enable this behavior, and the relationship between these factors. We conclude with a short reflection on the possible role of social norms, and a set of questions that the second phase on anti-corruption efforts will tackle. Direct quotes from the research have been interspersed throughout the paper to illustrate the point in the words of the people themselves. These have not been cited due to confidentiality concerns.

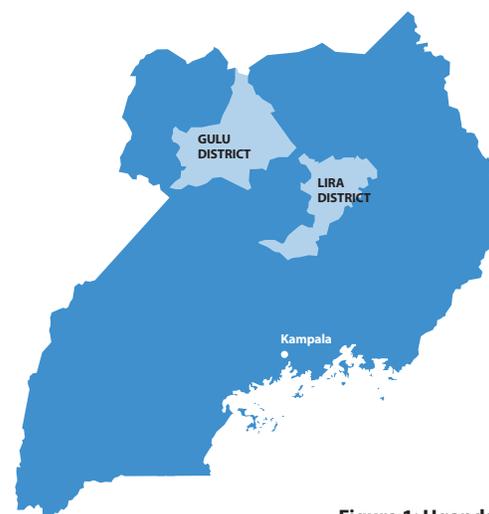


Figure 1: Uganda

II. Corruption: the view from Northern Uganda

Respondents answered with no difficulty when asked about what constitutes corruption in the police and courts.¹⁶ The answers were consistent and supported with a litany of personal stories.¹⁷ Bribery topped the list by a large margin, followed by favoritism, absenteeism and political interference.

Bribery: In the Gulu and Lira districts, corruption was overwhelmingly understood to mean the exchange of funds (e.g. bribery and implicit extortion) in the police and courts¹⁸ and was seen to be the most frequent form of abuse of power for personal gain. Most commonly, this entailed a simple transaction between the duty bearer (e.g. police officer, court clerk) and the citizen seeking assistance from the institution—for example, paying for transport of police in order to get the police to investigate.

“Victims also often have to pay for officers and witnesses to go to court. The bonds are charged for, files are hidden, victims are charged for normal police procedures, e.g. to have forensic analysis done in Kampala and for the evidence to be transported back. It happens at all levels of the police.”

“Corruption is also very high in the courts. It is very painful for our people. If you don’t have money, you cannot afford the court services.”

While in many cases, citizens are asked to pay for things that should (under the law) be free, corruption is also used in a more predatory way—to induce officials to act illegally. For instance, a judge might be bribed to make a particular decision. A police officer may arrest someone on fabricated charges. Members of the judiciary receive ‘calls from State House’ (e.g. Presidential advisors, First Lady’s staff, Communications office etc.)¹⁹ directing them to take a particular course of action in a case. This call is generally catalyzed by a bribe to someone who works in State House, who is abusing the power they have on account of proximity to the President, and often not directed by the President himself.

Duty bearer(s): are those actors, generally state actors, who have a particular obligation or responsibility to respect, promote, and realize human rights.

Favoritism: promotion, advancement, or special consideration given based on connections rather than on merit or due process. This occurs in the form of hiring and promotion at all levels. Of particular note is the existence of ‘cadre judges’—those appointed by ‘the Centre’ to positions with the understanding that their loyalty lies with the regime, and that they must act in the regime’s best interest at all times. One individual explained, “the cadre maintains the system and the benefits from the system.” In the police, favoritism

also involves how citizens are treated differently based on their affiliations. For instance, members of the same clan may receive preferential treatment from a duty bearer.

“...once you get an opportunity to get a public service job, most individuals create networks tended towards the time. Should you lose your job, these people who you recruited will stand with you. If you have placed people in different institutions/ministries — just at a phone call they can give you business tenders...”

Absenteeism: particularly in the Magistrates courts in rural areas, is corruption to some because Magistrates are paid to work five days a week, but some only work Tuesday to Thursday. This significantly delays cases, which, in turn, often provides grounds and incentives for bribery.

Political interference: while rarely mentioned without a prompt by our team, political interference, which appears to occur more prominently in the courts, was considered by some to constitute corruption. It was asserted across all types of respondents that individual judges are generally independent, until a “call from State House” or from a “big man” is received about a particular case. At a more macro level, the people felt that the judiciary (as an institution) is not independent from the government.²⁰ In terms of the police²¹, when they are challenged by citizens about their actions, they often claim to be following an “order from above.” Many citizens we interviewed speculated that this phrase is now also being used by police officers to justify their own abuse of power, i.e., it has not been ordered by a superior, and there is no actual political interference.²²

“In Uganda generally, as far as individual judges are concerned, we are independent. You can make a just decision. But as an institution, the judiciary is not independent. We depend on the executive.”

“There is the familiar issue of ‘order from above.’ No clear communication lines, but that is just what they say to us “we have been ordered to do so. If we don’t we will be reprimanded.”

Corruption was not limited to individualized transactions; syndicates are operating. Patterns of collusion exist between groups of actors who are connected by their roles in the system.²³ For instance, links between state attorneys, magistrates, and clerks were most commonly identified in the interviews as nodes for collusion.^{24 25} These “syndicates” as they were called, are anchored in the courts, but do extend into the police and among lawyers. For instance, lawyers are known to collude with the prosecution or resident state attorney to decide the outcome of a case, or to charge clients ‘judge fees’, which are bribes that sometimes include some extra for themselves. This makes corruption appear to be more intractable to citizens; it is not just one bad apple that can be avoided, but entire groups of people who depend on and protect each other. At the

same time, we did not find vertically integrated corruption, which is a coordinated system in which illicitly acquired money is transferred up the chain of the police or court hierarchy²⁶ in these districts.²⁷

“The court clerks are part of the racket because to see a magistrate, you must use a clerk. They also get part of the money because one has to use them. Court clerks sometimes add their own cost on the money being asked and pick their share of the money when it is paid.”

“Since Justice system doesn’t work, so other mechanisms get created to sort things out. The law firms are very complicit in the syndicate. A law firm must develop the skill to extort. Judges receive money. Most important jobs is [sic] court clerk as they manage the syndicate.”

There is ‘perceived’ and ‘real’ corruption. This study focused on perceived corruption because of the relevance of perceptions of corruption to the legitimacy of the police and courts as institutions of the state. Therefore, it was not important to validate that particular acts were technically corrupt interactions, or to quantify how much or how often different types of corruption occurred. Indeed, it is possible that the actual incidence of corrupt acts or transactions is less than the perceived extent of corruption, as citizens tend to associate any dissatisfaction with an interaction with the police and courts with corruption. Actors within the criminal justice system (CJS) assert that people incorrectly assume corruption to be the cause of many situations that are in fact the result of inefficiencies in the sector. For instance, the slow pace of cases moving through the courts is commonly interpreted to result from the defendant or a third party paying a bribe to slow down the process, or the court clerk seeking to pressure the claimants to pay a bribe by ‘losing the file’, when in fact it may simply be due to the heavy caseload and the need for due process.

Making precision of measurement even more difficult is the substantial blurring of the lines between criminal and civil matters in practice—and therefore in the minds of citizens. For instance, communities often use Local Council Courts, which were formalized in 2006, to handle disputes that are outside of the Local Council Court authority.²⁸ Land cases, which dominate community interactions with the legal system, are a civil matter, yet they often end up in the criminal system when disputes turn violent.²⁹ Citizens also confuse civil and criminal matters; for instance, civil courts do have legitimate legal fees, but these can be lumped in as another example of money having to change hands to access justice.

III. Thinking about corruption as a “system”

Few would argue with the statement that corruption is a **complex problem**. Yet most efforts to conduct corruption analysis are framed in a simple manner: assuming that there is a one-directional cause-effect relationship at work, and treating corruption as a set of individual, separate transactions.³⁰ Yet a complex problem is complex precisely because it has many interdependent causes that interact with each other, making the problem difficult to understand just by analyzing the elements or breaking it down into ‘manageable’ parts. This is because the system is not the sum of the individual parts—it is the result of the interactions and relationships among the parts.

Consider a common explanation for the persistence of corruption in the police in many places: low pay. Police officers are obliged to engage in corruption in order to supplement their low pay, because it is not sufficient to survive. One would anticipate that raising salaries would reduce petty corruption by rendering collection of bribes unnecessary. Yet a study of corruption among traffic police and customs officers in Ghana found the exact opposite.³¹ When the government doubled police salaries, rather than reduce petty corruption on transport routes (i.e. in police and customs stops on roads that crossed borders), it worsened it. The higher salary resulted in police putting more effort into extracting bribes, and although the number of stops of trucks with no bribe went up, the number of bribes and their amounts went up. Salaries and corruption were, in other words, not related in a ‘linear’ way (one cause leads to one effect). The relationships with other (less visible) causes, as well as feedback effects—in which the consequences of an action come back to reinforce the initial problem—were in play.

Low salaries did increase incentives among police to take bribes to make up for their low standards of living. However, when salaries were increased, while the income-related pressures to take bribes decreased, pressures from other factors (family expectations, and expectations of entitlements and responsibilities that come with increased status) increased. This in turn came back to affect the initial factors—pressure to get more money—reinforcing the initial problem, and creating negative side effects that undermine efforts to address any one element.

This analysis is thus **grounded in the assumption** that to understand how corruption functions (and therefore, how it can be disrupted), it is necessary to see the ‘big picture’: corruption as a complex system. This macro view helps us understand how individual causes or elements interact with the larger whole, and to understand the underlying structures, or inter-relationships among the different causes, and how these work to make corruption highly resilient to interventions. The analysis is presented as a ‘map’ of the underlying causes of corruption dynamics, with an accompanying narrative.

Systems-based analysis is a powerful tool because it offers a more nuanced understanding of how corruption functions in a society. This tool is useful to policy and programming in several ways:

- It aids in the understanding of multiple perspectives on causes of corruption and how they interact;
- It offers new insights into where one can intervene in the system;
- It offers a means to map how individual drivers and enablers of corruption affect and are affected by other elements of the system that may not be within our line of view;
- It identifies the potential effects of an intervention, and sources of resistance to it, as a way of testing the plausibility of various theories of change;
- It offers insights into the possible inadvertent negative consequences of interventions;
- It functions as a co-ordination tool, so that multiple actors can strategically allocate their resources to different portions of the system, in a way that compliments an overall anti-corruption strategy.

What is a systems map?

A causal loop diagram, or systems map, offers an explanation of how multiple factors in a context interact to generate particular patterns of corrupt behavior in the police and courts. The map depicts the key interactions, or dynamics, that drive or enable corruption. A systems map of corruption differs from most corruption assessments in that it:

- is not a description of how corruption happens,
- does not measure the amount or frequency of corruption,
- does not attempt to track illicit money/asset flows, and
- does not provide an exhaustive list of explanation of *all* causes, but rather focuses on key causes and the interactions among them, thus facilitating strategic focus on where leverage points for changing the system might be.

Causal loop maps provide a visual representation of the dynamic relationships among elements of a system, and make explicit an analysis of the underlying structure (inter-relationships among elements or factors) that give rise to the patterns of behavior. The maps consist of:

- **Variables:** factors (causes and effects of corruption—e.g., limited resources, lack of citizen knowledge, etc.), including structures, actions

(e.g., magistrate decisions, or requests for bribes) and perceptions or feelings (e.g., fear, perceptions of corruption, etc.); and mental models (ways of framing or thinking about issues) that may determine behaviors—all related to the issue being analyzed.

- **Causal links** (depicted as arrows) showing the relationship and direction of influence between variables. These can be in the same direction (signified with a continuous arrow)—meaning that as one goes up (or down), the other factor goes in the same direction. (For instance, more demands for bribes lead to a greater perception that bribes are always required in the courts.) Or, they can be opposing (signified a dotted arrow)—meaning that they move in opposite directions (as one goes up, the other goes down), as would be the case if fraud goes up when salaries go down. Systems maps often use + and – to signal polarity.
- **Time lags or delays between cause and effect.** An arrow with two strokes across it means that there is a time delay in the relationship, i.e. the cause may lead to an effect only after a period of time.
- **Circles:** are key or driving factors in the context.

Together these relationships create two kinds of feedback loops: *reinforcing* feedback loops (shown by “R” on the map) or *stabilizing* feedback loops (shown by “B” on the map). Reinforcing loops are commonly known as vicious or virtuous cycles; the variables in a particular cycle get progressively worse (i.e. vicious) or better (i.e. virtuous) over time as the different variables reinforce each other. In stabilizing loops, the variables interact to restore an equilibrium, positive or negative, much like a thermostat responds to a decrease in the temperature in a room, turning on the heating to bring it back to the desired goal.

IV. The system of corruption in Northern Uganda's police and criminal courts

An advantage of systems mapping is that it can integrate multiple perspectives on causes of corruption and represent visually how they interact. Our findings uncovered a set of dynamics that drove citizens to engage in or accede to corruption, as well as a slightly different set of dynamics underlying police and judicial officers' behavior. The map represents both, as well as how they interact. It is important to understand these two sides, because the system serves different functions depending on the perspective. Corruption is used:

- by citizens, as a means to access the police and courts in pursuit of justice, or to manipulate the police and courts to advance an agenda or protect oneself;
- by the elite, to maintain their position and/or power (and, ultimately, dominance);
- by those inside the CJS, as a means of paying for operating expenses, generating resources to ensure day-to-day survival, buttressing against the uncertainty of the context, signaling power, and feeding greed.

Bribery is a vicious cycle at the heart of the way police and courts function (R1)

Nearly every respondent—rural and urban, men and women, professionals and farmers—felt that **criminal justice must be paid for** in Northern Uganda. This perception—solidified through personal experience, rumor and ignorance—feeds citizens' readiness to pay bribes to criminal justice officials, as they believe there is no other way to obtain services. They approach the institutions and actors with the assumption that they have to pay, at times offering bribes without even being asked. In turn, the pervasiveness of bribe paying (offering and accepting to pay) encourages duty bearers (magistrates, court clerks, police, etc.) to look for and **seize opportunities for personal enrichment**.

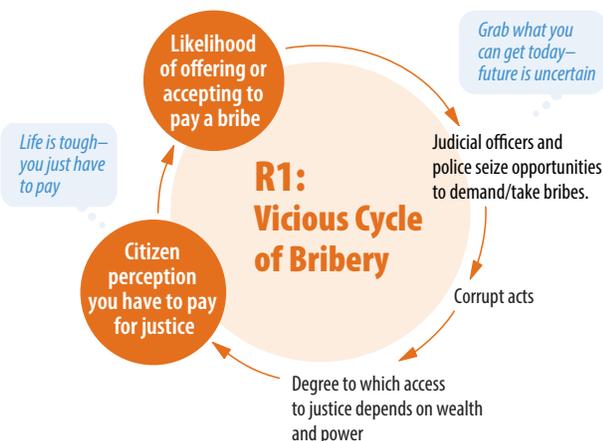


Figure 2: Vicious Cycle of Bribery

Exchanging funds is an accepted behavior for the role, so much so that it has become an expectation of how things should work. Officials know citizens come ready to pay, so they seek to maximize their gain.

This is a vicious cycle, and the respondents in our interviews clearly identified poor citizens as its primary victims. They are more likely to be preyed upon by those with more power; for example, through a false arrest made to take advantage of their situation. Furthermore, the poor and vulnerable, especially women, suffer disproportionately from these practices. They have so little to

start with that the sums required are either out of reach or deplete their already meagre resources. When the sums are out of reach, it is a *de facto* denial of justice. And this dynamic results in the poor getting poorer; when individuals sell all of their assets and borrow money, they end up in an even more powerless position than before the interaction. The vulnerability of women is particularly acute when it comes to land grabbing that is enabled by corrupt transactions with authorities.

“The money my wife paid to get me released hurt me so much until now. I could have used that money to send one of my children to school. Now we have to look for other ways to raise that money again.”

“The police and court are people who practice inequality. Courts promote poverty by demanding more money from poor people who then remain poorer.”

The overwhelming majority of respondents identified the denial of justice as what bothers them the most about the corruption in the police and courts.

“What hurts me is the corruption that happens when a man defiles a child, but then his family pays money and they release him. The victim has secured no justice. This makes me furious.”

“Money is still the worst type of corruption. Many times, if you do not pay you will not receive the service you need. You are aggrieved and you become a secondary victim because the duty-bearer did not respond to the crime. When the duty-bearer does not respond, it is the most painful type of corruption.”

At the same time, a minority of respondents recognized that bribery at times can create an opportunity to access services or individuals that one would not be able to otherwise, at least for those who can afford it.³²

Our research found this dynamic of seizing opportunities for personal profit is driven by a pervasive mentality of **grab what you can now because the future is uncertain**; simply put, the future is so ambiguous, that amassing what personal fortune and status symbols one can now is seen to be necessary to survive. Many respondents attributed this mentality to an erosion of values from the tremendous upheaval of the conflict, and specifically from life in the camps.

This mentality emphasizes getting rich quickly. Indicative of this mentality were stories, told by several interviewees from the legal profession, explaining that law school professors tell their students “we are teaching you how to get rich. Don’t waste this knowledge.” Students in turn expect to have achieved a level of affluence in their first years out of university that far surpasses their actual earning potential. There are many

possible motives that could contribute to this mentality; though greed gets a disproportionate share of the attributions.³³ This may be true for some; our research, however, suggested that an equally (if not more) prevalent factor is the belief that, if the future is inherently fraught, you must use whatever means possible to secure yourself.

“We live in the fragility. You can’t forget that at any moment things could change. There is a glass ceiling you could hit and you never know the result. We never know what happens tomorrow, so you make hay now. The legacy of the conflict continues in people’s psyche.”

The cycle of expectation—citizens’ expectation to pay and judicial/police officials’ expectation to be paid—has made **wealth the primary determinant** of who gets access to the criminal justice system. This reinforces the widespread perception that all justice must be bought. Money is the main currency of these exchanges, but it is not the only key to the justice system. Those who have access to powerful people are also able to manipulate the system. (See R3)

The People’s Perspective

Citizens experience corruption in the police and courts in different ways than do duty-bearers. This section describes the experience of the average citizen and what enables and drives bribery.

Fear of the criminal justice system makes people vulnerable to bribes (R2)

Why do citizens often readily offer bribes to police and justice officials? Citizens, particularly those in rural environments, frequently explained how they feared the police and courts. They **anticipate dire consequences** if they or their loved ones were taken into custody by the system. This fear was also acknowledged by some within the courts. Given the legacy of state-condoned and initiated torture, murder, looting, imprisonment, and rape under the Obote and Amin regimes, citizens’ fears are justified by a long history.³⁴

“Sometimes I feel that the community is afraid of the court, mainly because of the way the court staff treat them. Some of them are not so polite. It creates an image of the court as an institution to be feared, rather than an institution that is there to help you.”

“No, the police are not appropriate. Because they do everything possible to make people fear them, they do anything to get what they want.”

Experiences and reports of police abuse, ranging from beatings to starvation to attempted rape, are the primary driver of citizens’ fear of the police. The police, when seeking

bribes, take advantage of this fear, because people do not wish to stay within the system for a moment longer than they have to—even if they are innocent and could (in theory) be vindicated in court. As one [official] describes, “If someone in a village hears that they are going to be arrested, they will leave their village and hide for six months rather than go to jail.”

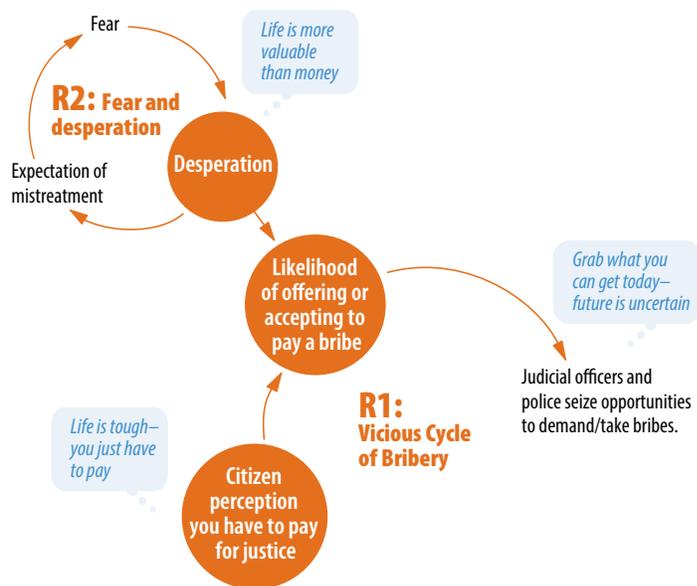


Figure 3: Fear and Desperation

one out of custody becomes the primary objective of family members, regardless of the cost. Families are known to sell all of their assets and go into debt in order to pay for the freedom of their loved one. As many people said in different ways, **“life is more valuable than money.”**

“Paying money [is] not seen as a big deal compared to human life.”

Lack of reliable alternatives drives people to bribery and formal justice ‘as a last resort’ (R5 & R6)

Citizen perceptions that you have to pay to access the criminal justice system and fear creates an **acute sense of uncertainty** about where they can or should go to obtain justice for a crime. In the aftermath of war, and particularly due to camp life, traditional mechanisms (e.g. clan leaders) no longer have the same position or play the same role as they once did. At the same time, negative experiences of the formal justice system create anxiety—especially the sense that the guilty will be exonerated (if they have resources) while the innocent are convicted. This distortion of justice—namely the victim of a crime becoming the accused—feeds uncertainty about the purpose of the entire justice system.³⁵

The courts similarly cause anxiety. Citizens explained that the courts are disrespectful and intimidating. There is a sense amongst some that once you go to court, even as a witness, you never return. While this fear seems to stem from a lack of understanding of official procedures, rights and costs (e.g. getting a lawyer), people are genuinely afraid and abuse does happen.

The combination of humiliation, fear of prison, and police brutality inculcates a **sense of desperation** when citizens are confronted with police custody. Getting a loved

“With the police, it works in two ways. They talk to both the accused and the victims, because they want to survive, they want to benefit from both sides. Sometimes the innocent becomes the accused, and the accused becomes innocent.”

“As for the court, the victim often becomes the criminal and the criminal becomes innocent. That’s not right. The outcome is always the opposite of what the evidence says.”

As the sense of uncertainty increases, so too does the incentive to **explore forums** outside of the formal criminal justice process, in case they may offer a better solution—and possibly a cheaper one.³⁶ For instance, reporting problems to the Local Councils despite the issue being outside of their mandate.³⁷ This ‘forum shopping’ seems to be driven by the **loss of trust in the institutions** that has resulted, in part, from the perception that one has to pay to access the formal system. Diminished trust also comes from the fact that citizens have difficulty distinguishing between corrupt and non-corrupt acts. This makes any situation that does not meet citizens’ expectations get labelled as corruption, which further reduces trust in these institutions. (Those within the criminal justice sector were particularly partial to this view.) Again, a vicious cycle emerges, as the forum shopping contributes to the sense of uncertainty about the right way to go about obtaining justice.

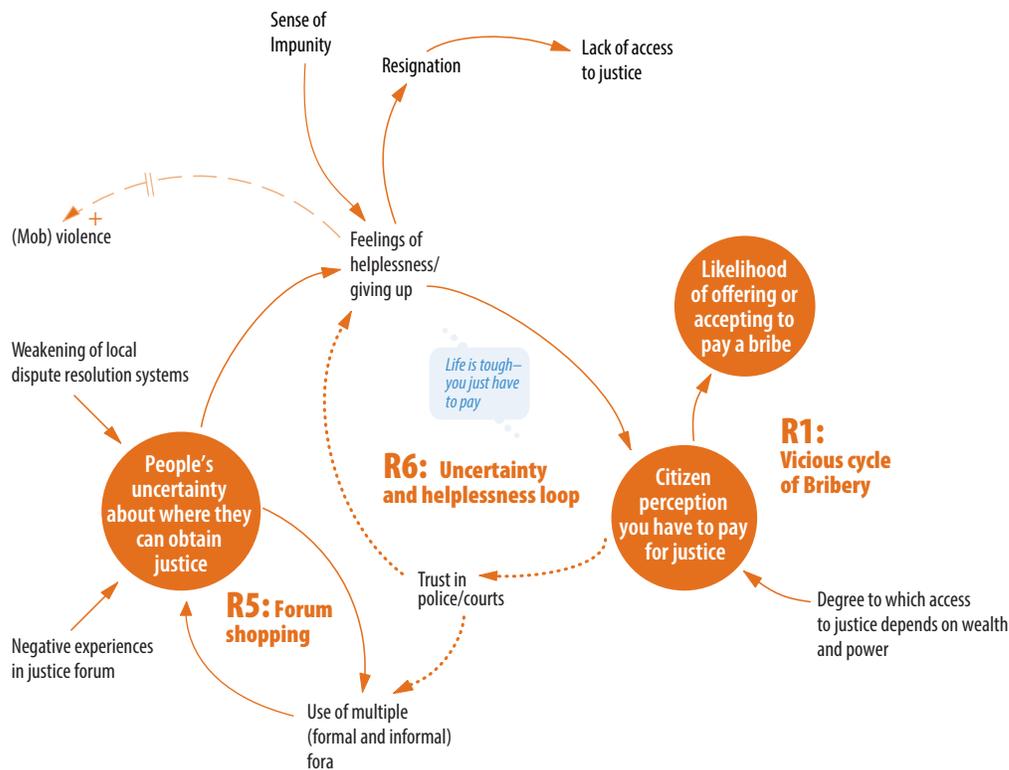


Figure 4: Uncertainty and Helplessness

The vast majority of interviewees expressed feelings of **helplessness, frustration and despair** resulting from this persistent state of uncertainty about where they can obtain a fair outcome (i.e. one that does not have to be paid for). The negative feelings are made worse by the understanding that **impunity for criminal and corrupt actions** is the norm. This impunity contributes to the sense of desperation felt by citizens when confronted with the police, as they do not believe there will be any form of accountability to counter police brutality. At the same time, there is little fear in being caught offering a bribe, as this impunity also encompasses corrupt acts. The sense of impunity increases the likelihood of both offering and accepting a bribe, as there are little to no real consequences—unless one is a little fish without a godparent.

Citizens reported that they have given up in the face of formidable obstacles to justice. Their sense that obtaining justice was far from certain—due to the high price, the prevalence of impunity, and their experience with (and lack of trust in) the police and courts—has led them to feel helpless. Even when impunity is not at play, the low capacity of these institutions often results in such a flawed process of evidence collection that there can be little to no confidence in the process, which exacerbates a sense of helplessness in the face of a crime.

For many the dynamics of uncertainty and helplessness has created a sense of resignation; in other words, **people give up**, deciding to drop or not pursue cases further, and become resigned to the notion that “this is Uganda.” In this context, it is not only the perception, but also the reality that is reinforced: only the wealthy can have justice, because you always have to pay, and a *de facto* barrier to access to justice develops.

“I have never gone back to them, it is all costly to go to Gulu CPS—need [to pay a] boda; sometimes told person responsible is not there, waste time and money to go there. For us poor people without any backing and without anyone, just give up.”

“I tried and tried, but nobody cared. I have surrendered everything to God now, to let him take care of the situation.”

For some, frustration, bitterness and resentment increases as they give up on formal criminal justice processes. A small number of interviewees connected mob violence to citizen disillusionment, and helplessness vis-à-vis the formal criminal justice system. A few went so far as to say this pent up anger could eventually result in violence, and our analysis suggests that it may have already done so in some instances.³⁸

“Corruption also leads to an increase in mob justice. For example, in land matters, if a case is decidedly (sic) wrongly because of corruption, people will be more likely to take matters into their own hands and kill each other.”

Notably, it is possible that the police are also aware of the inability of the system to prosecute a criminal. A few respondents spoke of police acceptance of mob justice as an appropriate recourse. In one instance, they spoke of the police instigating violence by the public, so that the criminal was “finished off” before the police arrived, because the police themselves believed that a fair outcome would not come from an arrest.

The negative feelings, loss of trust in the police and courts, forum shopping, and uncertainty about where justice can be obtained could have even more significant consequences over time. If the resulting helplessness, frustration, and sporadic episodes of mob violence continue, the police and courts could face a challenge to the legitimacy of their institutions—i.e. their right to enforce the law and administer justice. While the institutional **legitimacy** of the police and courts currently does not appear to be under threat, the lack of trust and sense of grievance in relation to their behavior could eventually evolve into a questioning of the ‘rightness’ of their existence.

“One day, those who are suffering now will take revenge on those who are abusing them. People are not happy. So one day, there will be revenge.”

Those within the criminal justice system, often did not have the same perspective on whether citizens trusted them. Police and judicial officials stressed that, since cases are still being brought to them (and apparently the amount is on the rise), citizens respect their role and trust the institutions. This may be true for some, but we also heard repeatedly from respondents that they feel that they have no other official (i.e. government-sponsored) alternative when faced with crime. It was explained by respondents that they report a crime as a last resort, not because they believe they will get a just outcome. People would prefer a local alternative, particularly one that would handle things in a manner that promotes social harmony locally; instead of the justice system’s allocation of win versus lose.

“If anything came up and the matter can only be handled by police, I will go back to them because they are the only place. If other alternative existed, I would try but even clan is same as police to us women, you also need money.”

“People are frustrated, but then they have no alternatives to the police. They have no other institution to turn to. If there was some other service that was more effective, people would have turned away from the police a long time ago.”

“They are flocking to the court, which means that they view the court as the only institution that can help them. They do not see the court as a last resort. There is high public confidence in the courts.”

Ignorance makes citizens vulnerable to manipulation and misconceptions of corruption (R4)

Many in Uganda, predominantly urbanites from within the criminal justice system, assert that **citizen ignorance** about how the system works makes people vulnerable to bribery—thus feeding their perception, and experience, that the criminal justice system is corrupt. Language barriers, level of education, and physical distance from the infrastructure (police stations and court houses) are three of many factors that inhibit understanding. For instance, the language of the courts is English, and many in the North do not speak English sufficiently to understand the proceedings. Moreover, citizens do not appreciate the different roles of criminal justice actors; for example, ordinary citizens do not know the difference between a State Attorney and a Judicial Officer.

Some civil society representatives also explained that war delayed the development of viable institutions and rule of law in the North: during the war, the state's presence was limited and the criminal justice sector almost entirely absent; therefore a lack of knowledge among residents is not surprising.

Lack of knowledge about the system, particularly amongst poor or illiterate populations, creates fertile ground for **rumors and misinformation** to take root and, over time, become established 'fact'. It was common for interviewees to explain that they based their understanding (of what to do in dealing with the police or going to court) on what they had heard from a neighbor who had experience with the institution.³⁹ Given this misinformation and lack of understanding, it is difficult for citizens to distinguish between corrupt and non-corrupt acts when they experience them. On the one hand, citizens in many cases are not even aware that they are engaged in a corrupt transaction, and understand only after the fact (when they have few options to address it) that they have been taken advantage of. For instance, officials commonly require an accused individual to pay cash for bail, but the official judgment to release them states it is a non-cash bail; when the individual returns to get their money back after the case is closed, they are told they are not eligible for a refund, because their documentation states that bail was granted without cash being paid. As they have no receipt for the cash, this money is safely in the possession of the officer who demanded it. These types of interactions erode citizen trust in the institutions.

"With respect to the courts, the knowledge of ordinary people is very low. People don't even understand the process. You ask someone to be a witness in a case, and they think they will be arrested. They simply don't know."

"Most people become victims of corruption because of ignorance."

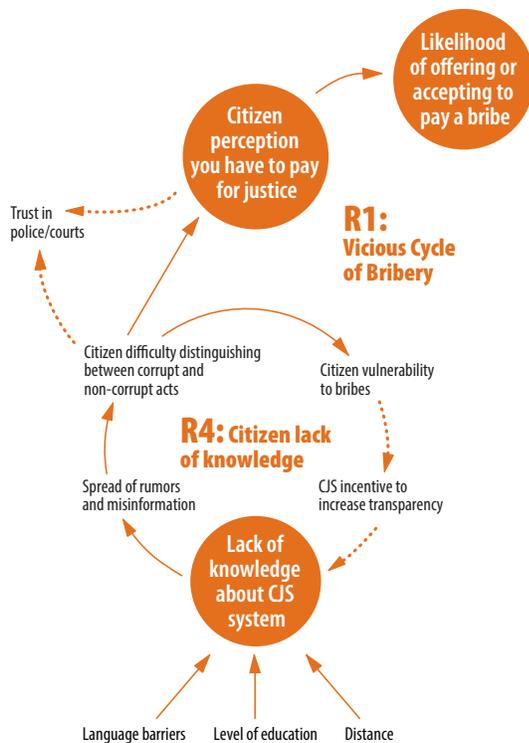


Figure 5: Lack of Knowledge of Criminal Justice System

ignorance that results in citizens paying more bribes and becoming more cynical about the courts and police.

Justice is manipulated through wealth and connections (R3)

The importance of wealth and power for access to justice leads people to proactively develop connections and amass wealth. It is understood amongst citizens that **connections** to a “big person” are needed to navigate the system: to get a hearing when something bad has happened, or to protect themselves from being investigated or prosecuted. Power can come from wealth and official position, as well as from connections to those with wealth or official positions. In Northern Uganda, these connections can either be familial, or be understood protection arrangements (not based on blood or clan lines). In these arrangements, powerful individuals intervene as ‘godparents’ on behalf of their ‘godchildren’.

“If people have a [godparent] you are fine. There is impunity.”

“Duty bearers who are implicated in corruption often have Godfathers at the top who protect them, therefore nothing happens even when they are reported.”

Several interviewees noted that those who have godparents in the system enjoy considerable impunity. It is rare that a “big fish” has a case against them proceed through the system; any adverse decisions are believed to be the result of them having done something to annoy their godparent, who is sending a message, or cutting them loose. The converse of this is also true; those without connections are unable to access the system. The value of connections is not limited to relationships with those with power. The system in general is based on who you know, as evidenced by the references to favoritism.

“Because I am also poor, I can’t go to ask why my case is stalled or don’t have connection to anyone who is powerful who can influence such decision because I am a widow farmer.”

Given the importance of power in the process and outcomes of the criminal justice system, people use material possessions to signal to others (including judicial officials) that they are powerful. Significant investment is made in these **symbols of wealth**—most notably clothes, houses and cars. These displays can be real, or a façade: it is not unusual for a carless individual to park a broken down car outside of his or her house to signal affluence. These visual symbols are then relied upon to determine what power someone may have, and affect how one is treated by those inside the criminal justice system. The court clerk or police officer, for instance, may assess each individual based on these status symbols to determine the price they will ‘charge’ for a service.

Those who appear to be successful may have connections to powerful people. Such potential links must be kept in mind by the duty bearer in the transaction, lest the citizen feels unduly aggrieved by the demands being made, and elects to make a call to

a more powerful godparent. If that happens, the tables might suddenly be turned with regards to who has the upper hand in the transaction, with the duty bearer no longer in a position of leverage.

Those using the accessories of power may be seeking to influence the perception of those within the criminal justice system to act in their favor, or to protect themselves against predatory moves by others in the community, even their clan. A small number of people in our study, predominantly from rural villages around Lira, explained how **manipulation of the justice system** has been used to settle scores between and within families—for instance, when a family that is in a land dispute with another bribes the police to arrest a member of the disputant’s family, under false

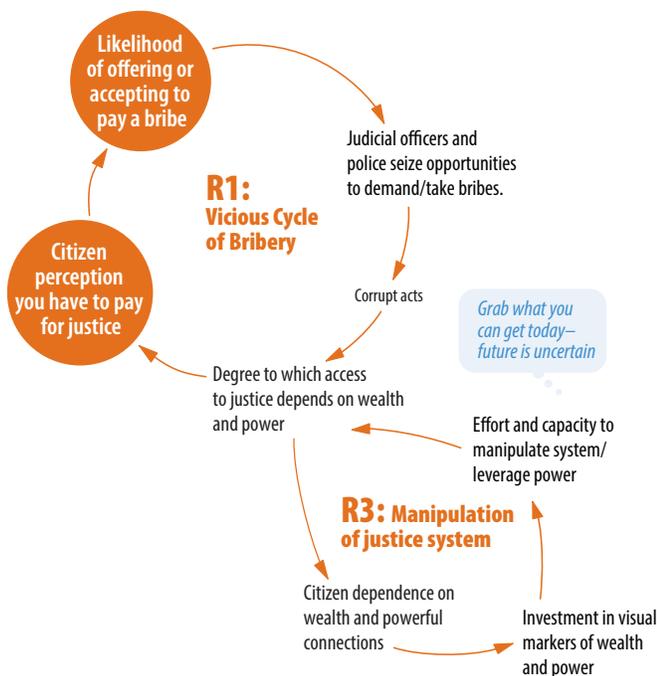


Figure 6: Manipulation of the Justice System

charges, as a form of pressure to settle the land dispute. As markers of power (real or not) give people more chance to manipulate police and judicial decisions, citizens' perceptions that access to justice is dependent on power and wealth is reinforced. As these perceptions are strengthened, the willingness to give or demand bribes increases.

The View from Inside: Police & Judicial Officials in Gulu and Lira Districts

Duty bearers within the police and courts experience different dynamics when it comes to corruption. One cannot divorce those experiences from the citizen understanding, yet it is useful to see these unique perspectives, as well as how they connect.

Magistrates and police experience significant pressure to obtain status symbols (R7)

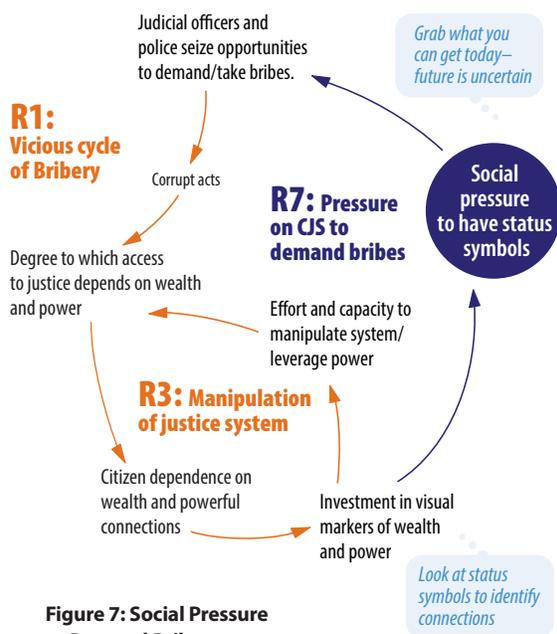


Figure 7: Social Pressure to Demand Bribes

The utility of status symbols in manipulating the system creates significant incentives and pressures to obtain these accessories of power. Yet this only strengthens the vicious cycle of bribery, because the cost of obtaining them is well out of reach of the average person. All categories of people in our research referred to social **expectations of lifestyle** that being in a position of status (such as a police officer or magistrate) carried: specifically, having a car, house, or good schools for their children. Magistrates (and, to a lesser extent, police) experience significant social pressure (i.e. pressure from family, friends, their village) to have displays or visual markers of wealth, commensurate with their perceived status, if they wish to be respected and/or perceived as successful.

They feel pushed to live beyond what their official compensation actually supports, which creates a demand for additional resources.

"...if one is known as a judge and a magistrate, he/she must measure to their status in appearance for example, posh cars, good clothing, big houses and make ups. How does one maintain the standard with little salary? Most of them get corrupted in order to maintain standard..."

"Social expectations are a driving factor. Once your status improves in society then society expects you to be different in terms of the way of life. For in-

stance, if you are a low level judicial officer we may not expect you to have a home of your own. The moment you become a big officer we expect you to have property and not only for yourself but for your dependents and those who think you owe them a living."

The source of wealth appears not to matter; wealth, whether ill-gotten or earned, signals success, and society rewards those with money through greater respect and status regardless of origin. Perversely, the very respect and status that results from the accumulation of wealth also further feeds the expectation that the successful will support their family, clan and beyond, breeding more incentives—and need—to amass wealth (see R7).

"Society celebrates wealthy people and detests poor people. There is a lot of expectations and pressure on some parts/section of society. People adore those with wealth without questioning how they get it. If you are two lawyers from the same village and one goes home driving and the other without a car, the family of the one without a car will ask, did you also go to school? Why are you not driving or with a car? Such a person would not have the same respect as the one who goes home driving. Among lawyers, corrupt rich lawyers are seen as successful while those who uphold their integrity and do honest work yet not rich are not seen as success (sic) but failures."

Peer pressure within police and judiciary to engage in corruption or face consequences (R9 & R10)

Police and judicial officials do not engage in corruption simply because of greed or to supplement their incomes; they often experience **peer pressure** to participate in corruption. For instance, magistrates speak of receiving calls from distant cousins, neighbors, and friends of friends to request favorable rulings for someone they are soon to see in their court. Similarly, a very senior figure in the legal community reflected on the time another lawyer called her to request that she find out the amount that a particular judge would need to rule in his client's favor. When she refused to do so, he responded with astonishment and demanded to know "what she was playing at"—he could not believe it was an authentic 'no'. With the increase in peer pressure comes more regular engagement in corruption, as individuals conform to these expectations. Over time, corruption has become a learned and accepted behavior in the police and courts in Northern Uganda.

This needs to be understood in the wider context of Uganda, a country that ranks 142 out of 175 in the 2014 Transparency International Corruption Perceptions Index. Corruption is pervasive throughout society from schools to hospitals. In Northern Uganda, it was explained by many respondents, corruption became worse due to the dramatic

influx of donor money that flowed into the region for reconstruction and rehabilitation after the conflict. The rapid inflow of aid following an extended period of scarcity created incentives for people to try and access these buckets of funds. What is more, people got used to receiving humanitarian aid, which created dependency on outside money and a lack of concern about abuse (because the money was not earned).

“I think there was an increase in corruption after the war because of all the aid that flowed into the region. People lied about how many people were in their households in order to get more aid. Some people took to selling foodstuff — they were abusing donor funds with impunity as there was no chance of being punished. So there is more corruption now.”

Moreover, the political context—a 30 year ruling regime—cannot be ignored when thinking about the normalization of corrupt behavior. The governing regime is based on corruption and patronage; it does not want to fight corruption, and in fact encourages and/or turns a blind eye to it. Corruption is not a challenge to the system, because **it is the system** by which the government manages to remain in power. This in turn creates an atmosphere of impunity, where corruption is normalized and at times even expected. Even the anti-corruption institutions themselves are believed to be corrupt by many. A minority of respondents noted that corruption is so deep-rooted that, if one aspect changed, it would just continue elsewhere in some other form.

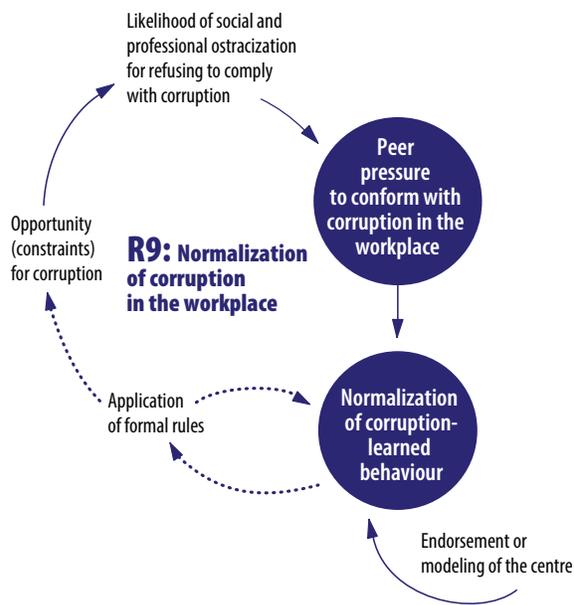


Figure 8: Normalization of Corruption in the Workplace and Social Pressure to Comply

Corrupt practices become further entrenched when those in the system cannot distinguish between legal practices and abusive processes. Within the police, new recruits, who receive minimal basic training, never learn what the proper procedures required by law are; they follow the corrupt practices as normal procedure, because these are followed more regularly than are the proper procedures. As corrupt practices become routine (e.g., requiring complainants to pay for fuel or losing evidence in return for a bribe), the **formal rules** that are supposed to constrain these types of acts become weaker and weaker. For those who know the rules, it becomes clear they will not be enforced, and for those who never did know the rules, the corrupt practice becomes the ‘way things are done.’ Without widely-known and enforced rules guiding professional (non-corrupt) behavior, the opportunities for corruption increase, as there are few constraints on behavior. Affirmative endorsement (or at

least modeling) of similar behavior from the center reinforces the sense that corrupt practices are normal and acceptable (see R11 below).

“If a Magistrate told a clerk they could not take money, what would happen? Nothing, the clerk would wonder are you a whistleblower. We will start to separate from you and keep a distance.”

“You cannot live among thieves and be happy. They will see you as a traitor, as a roadblock.”

Even for those who enter the judiciary or the police with different expectations of professional practice (i.e. operating with integrity), there is **tremendous pressure** to comply with corrupt norms of behavior. It is understood that to not comply would most likely lead to being ostracized by one’s colleagues and friends. As one Judge who is well known for following legal procedure reflected, “the phone stops ringing, and you don’t get invited to dinner anymore.” This is known to occur not only if one refuses to participate in corruption, but also if one does not set up others to benefit as well. For instance, if an officer assists someone they know well, it is unlikely that they will require a fee, but in so doing will upset his or her colleagues who will have expected that the officer refer the person to another officer who would not have had the social barrier to requesting payment.

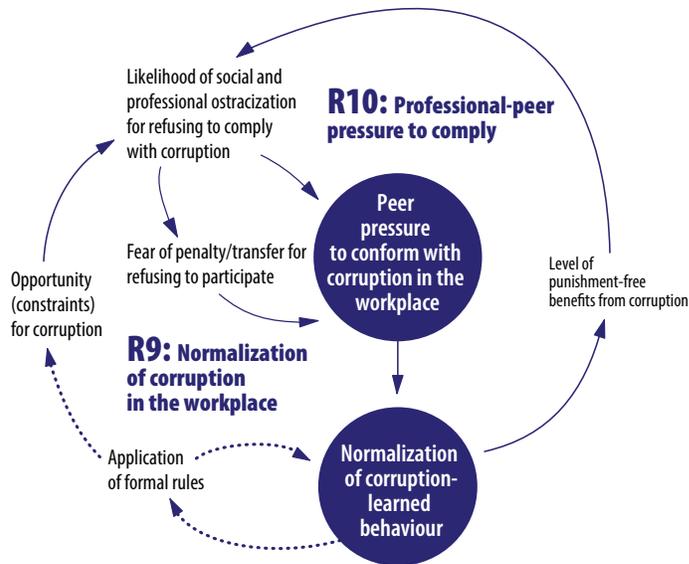


Figure 9: Peer and Professional Sanctions for Non-Participation

Negative consequences for non-corrupt behavior can also go beyond the inter-personal and informal to the professional. The most common professional penalty is transfer to a less desirable location of work, generally one that is very distant from amenities such as schools, and offers fewer opportunities for personal enrichment.

“There was one judicial official...who never accepted bribes. Everywhere she worked, she was the most hated and people gave [her] a hard time. As a result, she was moved... to give the others ways to make money in the main courts because her presence interfered with their work.”

The prospect of these **peer and professional sanctions** reinforces the pressure police officers and judicial officers feel to conform to corruption in the workplace. These sanctions also support the sense of impunity that persists throughout the police and courts. To the extent that the normalization of corruption in the workplace means that there is little countervailing fear of punishment for engaging in corruption, and to the extent a critical mass of people in the institutions benefit from corruption, the likelihood of professional and social ostracism if one refuses to engage is even greater. As the likelihood of sanction for noncompliance increases, so to do the perception that there are no negative consequences for these corrupt acts.

Lack of oversight enables corruption to flourish (R11)

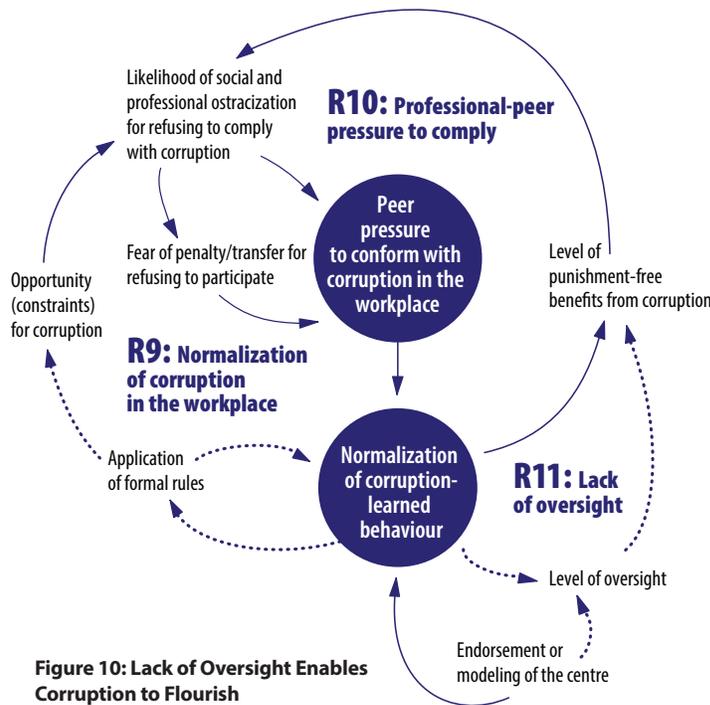


Figure 10: Lack of Oversight Enables Corruption to Flourish

According to (mostly urban-based) civil society representatives in our study, one of the reasons police and judicial actors are able to seize opportunities for corruption to such a degree—that it is now normalized in the institutions—is due to the **lack of oversight**.⁴¹ In the courts, inadequate supervision of magistrates was identified as a particular problem. Magistrates are supposed to be supervised by the Chief Magistrates, yet the latter tend to be overwhelmed by their own caseload. Indeed, in some instances, the structure of the institutions makes effective

oversight difficult. Within the courts, for instance, until a recent Constitutional amendment, judges have no power to hire or fire clerks, who are employees of the Public Service Commission rather than the Judicial Service Commission; consequently, the judges—who have the greatest professional responsibility for independence—are not able to assure that the full operations of their court are independent. Oversight of these positions is based hundreds of kilometers away in Kampala, creating a physical barrier

to implementation. Within the police, junior officers are not allowed to question their superiors because of the hierarchy of the force.

The behavior of Kampala-based authorities and institutions support normalization of corruption in the workplace in Northern Uganda in two inter-related ways. First, people spoke of authorities in the center **“turning a blind eye”** to what happens in the North, effectively allowing those on the ground to operate as they will. This clearly signals to all that oversight is not a priority. Interestingly, respondents rarely (if ever) brought up the issue of lack of capacity in relation to oversight. Second, central authorities are perceived to be **participating** in the same corrupt practices⁴². By modelling corrupt behavior, they send a message that it is acceptable practice, further reinforcing the idea that it is “normal”. Lower levels adopt a ‘copycat’ mentality, thinking, if the people up there are doing it, why would I not do the same? These two conditions interact with each other; interviewees felt that people who are corrupt themselves cannot punish others for doing the same thing. As higher-level individuals benefit from the lack of accountability, they have little incentive to enact or enforce oversight functions themselves.

“How would Satan accuse someone of evil spirits of doing bad things if Satan is far worse? Your hand is filthy of corruption; it wouldn’t look moral to accuse a junior officer of corruption. At the end of the day it is seen as political persecution — in the eye of the average citizen.”

Corruption in Uganda serves the dual purpose of private gain and political consolidation.⁴³ Many Kampala-based respondents explained how patronage networks have been crucial for the NRM’s continued hold on power, as is evident in the significant expansion of the Ugandan civil service, local government structures, and government posts in general.⁴⁴ For instance, from 2006 to 2010, the number of bureaucrats employed at the local level increased by 35 percent. Citizens and civil society representatives assert that top leadership has allowed individual political, administrative, and military power-holders to divert public resources to enrich themselves, in order to retain their loyalty to the ruling coalition. Corruptly obtained resources have also been used in order to ensure the government’s survival (e.g. in the lead-up to elections). As this is an implicit government strategy, the public is aware that political will is effectively absent when it comes to holding the highest members of government accountable for theft of public funds.⁴⁵

“Corruption fuels the political longevity of this government in power.”

“...the IGG is almost toothless. The NRM sympathizers always get away. Even if they catch someone, the person will say, oh, I support the movement. I am NRM. And the charges will go away.”

Numerous urban interviewees suggested that this means the anti-corruption institutions themselves have “no teeth”, and were undermined whenever they threatened to reveal the corrupt activities of the regime’s inner circle. In fact, one individual within these institutions explained that the anti-corruption court is actually called a “cleaning house”. Big fish are acquitted, not because they are not guilty, but generally because of purposeful weaknesses in the case submitted. Then the accused is able to declare their innocence has been proven. Ironically, the preferred location of this press conference are the steps of the Anti-Corruption courthouse. There have, of course, been instances of high-level figures being held to account, and Commissions on specific issues have been created, such as the Judicial Commission of Inquiry into Corruption in the Ugandan Police Force in 2000. The general sentiment about these exceptions is that this was political theatre, aimed at sending messages to individuals who have gotten on the wrong side of the political elite. At a system-wide level, lack of effective oversight evolves into pervasive impunity—which is what is felt throughout Northern Uganda at all levels.

“Once the rule of law is established in each branch of government, then maybe things will improve. As long as the anti-corruption institutions are corrupt themselves, we will not see change.”

Limited oversight that is modelled and informally endorsed by the authorities eliminates much of the risk associated with corruption (i.e. getting caught and punished). At present, the level of benefits that one can accrue from corruption **without significant punishment** is very high. There are a few stories of individuals being punished for corrupt behavior, yet far more common is for the individual to be transferred to a new location if the case is generating significant attention in the public. In many of these situations, the transfer is only temporary, as the authorities wait for things to cool down. As possible benefits from corruption increase, so too does the likelihood of being ostracized if one refused to comply with the ‘norm’ of (corrupt) conduct.

“People become corrupt because the big people, and the government are corrupt — the people just follow. At the high levels, instead of being dismissed, those who are corrupt just cycle in and out of government as if nothing had happened.”

“They use transfers as a form of punishment and when the pressure decreases then they are brought back. If you have godparents in the system then you won’t be sent.”

Demand for money is driven by inadequate 'facilitation' and capacity (R8)

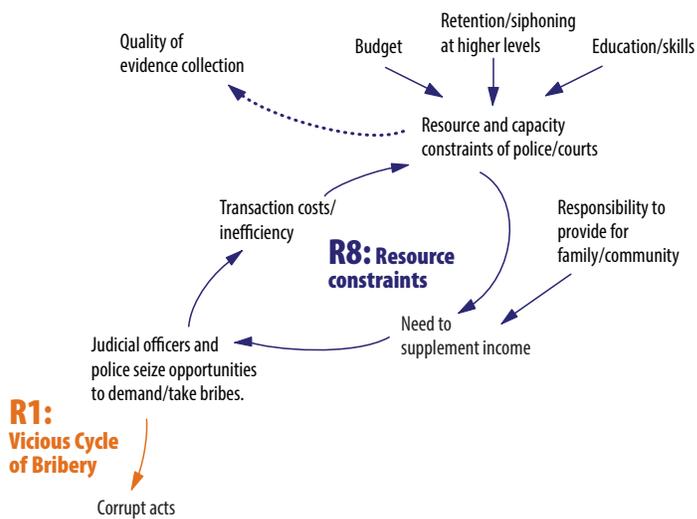


Figure 11: Resource Constraints Incentivize Corruption

diverting resources for personal benefit, leave very little to fund operations. The institutions lack the basic equipment (e.g. cars, fuel, paper, pens) that people need to do their jobs—commonly referred to as lacking ‘facilitation’. Police, for example, regularly demand that complainants and witnesses cover the cost of transport of the accused to the police station, or to the court, or pay for photocopying, filing, and other expenses in order to initiate action on a case, on the grounds that they do not have sufficient budget to pay for fuel themselves. Although they recognize that this is not how policing should be done, police maintain that the **lack of resources** from the government gives them no choice but to ask for help with these costs to do their jobs.⁴⁶

Interestingly, citizens often distinguished between money extracted by police officers in order to cover operating expenses and money extracted for purely personal gain. For some, the former was potentially justified, while the latter constituted corruption.

Moreover, **police salaries are inadequate** to meet the basic needs of their families, fueling a need for them to supplement their legal income. This is made worse by the appalling condition of police barracks, which (it was asserted) have not been upgraded since Colonial times despite the swelling numbers of residents. The need to supplement income is a powerful force not only within the police. Given responsibilities that many police and court officers are obliged to assume for their family, and often extended family, the cost of living far outstrips most official salaries, making the need to supplement income a major incentive for individuals. Court clerks, registrars, secretaries, magistrates, and lawyers all felt that low salaries contribute to their need to find additional sources of income. Men commented on this more than women, and identified paying school fees and medical expenses as the most significant (and costly) expectations from family members.

Almost all of the individuals working within or with the criminal justice system in Gulu and Lira identified resource constraints, particularly within the police, as a key reason for corruption. By far the most named cause of corruption, ‘resource constraints’ commonly included budget, equipment, education level, and training. Inadequate financing from the government, stemming from inadequate budgets and the fact that (as at least some people believe) senior people are

For both sectors, salaries were felt to be far below what a family needs to live in Northern Uganda, particularly given the rising cost of living. A police private in Lira, for instance, earns approximately Shs 250,000, or the equivalent of \$74.00 US dollars/month. A grade one Magistrate in the North earns approximately Shs 1.5 Million, or \$443.00 US dollars/month.⁴⁷ In light of the high relative costs of some staples—such as quarterly school fees (per child approximately Shs 1.6 Million/\$473.00 USD), a dozen eggs in Gulu (approximately Shs 10,000/\$ 2.95USD) or men’s business/work shoes (approximately Shs 100,000/\$30.00USD)—it is not surprising that police and magistrates feel pressure to obtain additional income to meet their basic needs.⁴⁸ This is supported by the fact that corruption is seasonal: the amount of bribes goes up at certain times, such as before the holidays and before school fees are due.

Demanding or taking bribes is one of the few alternative sources of income for these people. Indeed, for many, corruption is a survival mechanism. However, we also heard skepticism about whether low salaries are actually at the root of the problem. A small group of people pointed out that even highly paid officials engage in corruption. Others acknowledged that increasing salaries would likely not diminish corruption, as it is too entrenched.

“Since there are few people employed they have so many dependents — wife, kids, parents plus a village of relatives. You may not ignore them — you have to support your people.”

Yet the very resource constraints (in terms of inefficiencies, budget, equipment, etc.) that lead police, and judicial officers to demand money, are worsened by their engagement in corruption. In other words, internal siphoning of resources decreases operating budgets, which leaves officers without sufficient equipment, causing them to demand payment for service, thus further entrenching the perceived need to engage in bribery.

“Corruption comes in, for example if a complainant wants the suspect to be arrested, because we don’t have transport, police will normally ask them to pay for transport but instead of asking for a reasonable amount for transport, many officers exaggerate the amount so that they can remain with some money to share with colleagues.”

“Salary not enough, use the intercepted goods [cigarettes] to top up not so good salary. Such practices of corruption are mindset, even if salary change would not affect much, increasing salary would be good, but mindset too needs to be changed to see work as a duty.”

As has already been noted, the level and scope of corruption (bribery), and the degree to which people give up on pursuing justice, create serious limitations on their access to justice. The lack of resources in the police—especially limited competence in investigation, appropriate procedure, and the law—further impedes justice.⁴⁹ This incompetence

frequently leads to **inadequate evidence collection**; magistrates complain this forces them to dismiss cases, even when the accused was likely guilty, which creates inaccurate perceptions among citizens of corruption. While some noted that competency levels were improving among police (education requirements were changing), it still remains a problem.⁵⁰

As described earlier (R3), it is difficult to know how often cases are thrown out due to police incompetence, as opposed to use of wealth and connections to tamper with evidence and manipulate the justice system. Regardless, citizens generally did not differentiate between different reasons; the vast majority saw all of the instances in which “lack of evidence” was cited as a reason for dismissal as caused by corruption. Incompetence also translates to not knowing the proper rules, which makes the normalization of corruption that much easier; many police in the North didn’t know better from the beginning.

Glimmers of resistance exist, but resistance is high risk (B11, R12 & B13)

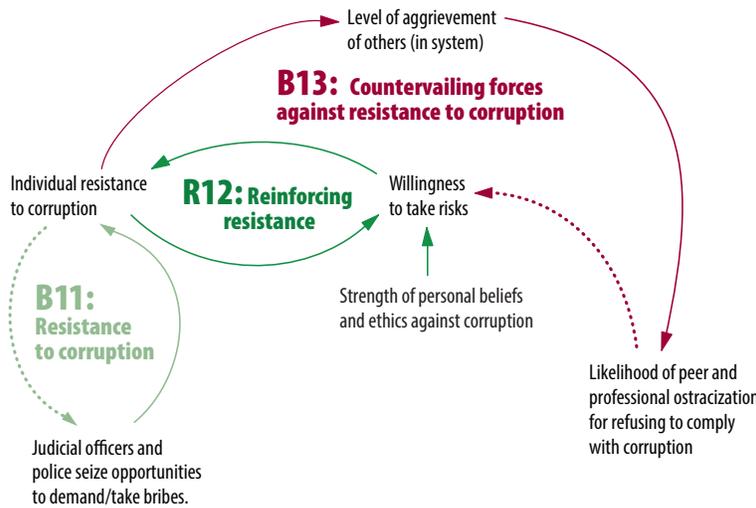


Figure 12: Forces against corruption

In Northern Uganda, there are few constraints on duty bearers who want to profit through bribery. Weak rules and procedures, limited oversight and citizens’ willingness to participate—knowingly or unknowingly—all enable corrupt transactions. Our study did not find a single instance of a citizen refusing to participate in corruption on their own volition,⁵¹ except when they did not have sufficient

resources to pay.⁵² There is, however, weak evidence to suggest that there may be a **limit to citizen tolerance** of corruption. It is possible that beyond a certain threshold (in terms of frequency or amount of demands), citizens will not capitulate. Increased resistance to corruption by citizens could temper the ability of the police and judiciary to demand bribes. This set of dynamics counteracts the ability of police and judicial officials to demand (or accept) bribes, and reduces levels of corruption—making it a stabilizing loop (i.e. a loop that brings the system back to equilibrium).

Citizens are not the only actors in these transactions that can say no. In fact, there were far more examples of duty bearers in the criminal justice system choosing to not participate in corruption than citizens. Several people were named repeatedly as having great integrity within the criminal justice system. It was notable how these people had built a reputation of integrity that was generally spoken of with respect and appreciation by citizens and civil society actors.

The willingness to resist corruption (whether citizens or people in the criminal justice system) appears to be influenced by their tolerance for **taking risks**. As duty bearers who have taken a stand commented, this meant being willing to deal with personal and professional costs, ranging from being transferred to less desirable locations or roles, being treated with suspicion by colleagues, and losing friends and social opportunities. Those willing to take risks emphasized the importance of their personal and religious beliefs about corruption being wrong.

“The magistrate came out of his office and saw a bunch of people waiting and said why are you waiting — they said they are waiting for someone to come. Magistrate came back later and they were still there — so he asked again. They were waiting for the clerk to give them a stamp that the clerk had said they had to have, but didn’t really exist. The magistrate sent them all home.”

“Maybe that’s why I have a lot of respect for the judge here. She talks very openly about corruption. For example, she discourages lawyers from seeing her privately in the chambers. She asks you to meet her in groups. Because if you meet her alone, people will say — oh, they paid off the judge, whenever she makes a judgment they disagree with. So she encourages transparency.”

While successful resistance to corruption can set an example that helps to increase people’s willingness to take risks associated with taking a stand, and encourage even more resistance (a virtuous cycle, B12), it does come at a cost. Citizens believe that court officials and police would get angry and take **retaliatory action** if their demands for money were rejected (see B13). And although it is not clear how far the duty bearers would go in pushing resisters, the majority of respondents felt that saying no to a bribe would endanger their relatives if they were in police custody. People within the justice sector who resist corruption—particularly those at lower levels or with heavy family responsibilities—similarly would likely anger their colleagues and suffer professionally.

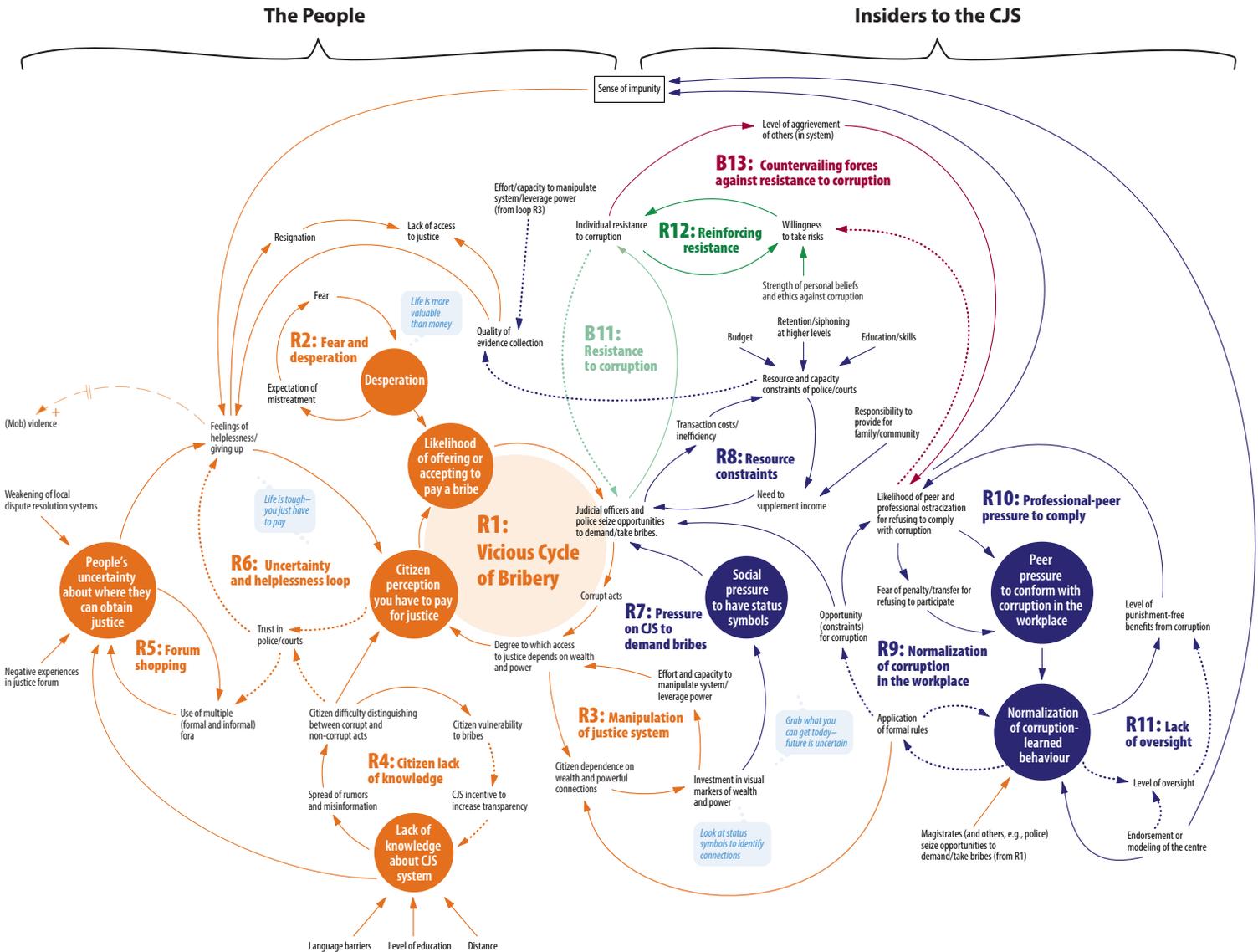
“When you raise accountability issues because want to be a good officer, your senior can transfer you to an area that is hard to reach, say Karamoja.”

“I had a conversation with (name withheld), the magistrate here in (place withheld). She told me she was thinking of leaving. She is a woman, a born-again Christian, she is transparent, but she is seen as a threat to the beneficiaries of corruption. She said she wants to leave, but I told her she had to stay!”

Even those who are meant to officially be against corruption, in that they work for anti-corruption or accountability institutions, experience negative social pressure. As one individual in this role explained, “those who go after corrupt behavior are often seen as the bad ones!”

V. The Complete Picture

Corruption is a complex phenomenon; as evident when viewing the corruption system as a whole. This depiction provides a visualization of how all of the difference variables fit together.



VI. Using the map; where to from here?

A systems map does not seek to be comprehensive, but rather to represent key variables related to the issue and their relationship. The map can be used to:

- identify strategic entry points to affect the underlying structures of corruption dynamics during program design,
- analyze forces that counteract the effectiveness of current initiatives and gaps in coverage to test the plausibility of a theory of change, and
- understand potential unintended consequences of interventions so they can be mitigated.

Part II of the analysis will review anti-corruption efforts and strategies for promoting systemic change. The systems map generated a number of questions in relation to anti-corruption and access to justice programming:

- Given the inter-linked nature of the multiple causes and dynamics of corruption, where are strategic entry points where interventions might have ripple effects?
- Given the political dynamics in Uganda and the challenges of building accountable institutions, what levers exist to promote accountability and to address drivers of corruption indirectly? How can factors counteracting efforts to promote oversight and accountability, as well as factors promoting conformity with the “normalized” practice of corruption, be addressed?
- What can be done to address the driving factors of corruption (circled on the map)? Are efforts sufficiently targeted, and monitoring and evaluation processes tracking the impacts of these drivers?
- What can be done to strengthen positive dynamics and manage or minimize the dynamics that limit their ability to grow?
- Could an intervention targeted at the fear and desperation citizens feel at the prospect of imprisonment be a leverage point to open space for citizens to resist corruption, and strengthen these positive dynamics?
- As the system is so resilient, what indicators can be used to track true progress?

Finally, “mental models” and social and professional norms and pressures exercise great influence over dynamics of corruption, both within the police and justice systems, and on citizen acquiescence and participation in corruption. Along with changing the interrelationships among factors, addressing these models and norms can be high leverage interventions, even if they are difficult. This is an area where additional inquiry would be valuable: to understand the role of *social norms in corruption*.

Social norms are the unwritten rules that inform behavior choices within a particular group of people. Non-adherence to this behavior will result in a social sanction.

These are not to be confused with a norm of corruption, but rather are informal “rules” and expectations that sustain social cohesion in groups, but also, under certain circumstances, can open the door to or reinforce patterns of corruption. Our research was able to generate a first set of possible social norms as a hypothesis on this topic:

1. Assume you are at risk.
2. Fear what you don’t know or understand.
3. Expect support from your people.
4. Do what you have to do to survive.
5. Expect to suffer the worst.
6. Keep up appearances to hide vulnerability.
7. Eateth where you worketh.
8. Use the system to gain advantage.
9. Pursue your own interests.
10. Celebrate and respect winners, regardless of means.
11. Amass wealth.

A core feature of a social norm is the social sanction for noncompliance. In relation to corruption this is commonly thought of as shame in being caught. Therefore it was notable that a recurrent theme throughout the interviews is that there is no more shame surrounding corruption.

“Corruption is often simply taken as a normal thing, no one is even ashamed of it. As long as you are not caught it is ok. When I pressed charges against a corrupt police officer I asked her if she had a bad conscience, she just said — I had a bad day, I got caught. There was no sense of shame.”

“Society looks up to those who have, no matter how they got it. They don’t ask any questions. Even people who were in the papers for stealing from the government are able to go back to their community and be respected.”

Social norms have enormous influence on people’s behavior within their social group. The same norms that underpin the tremendous resilience people have shown in difficult circumstances in Uganda can also make corruption more acceptable at all levels. A question is whether there are strategies to deal with these norms—change them, re-frame them, find ways to use them to support anti-corruption, or change how people see their social reference group; these could facilitate change in multiple dynamics.

VII. Conclusion

Corruption in the police and courts is a barrier to justice and undermines the rule of law. It disproportionately harms vulnerable populations, namely women and the illiterate poor. It contributes to distrust in the police and courts as institutions and may be a factor in the use of mob violence. Yet corruption also serves as a survival mechanism for individuals to make ends meet. In some cases, it facilitates the basic operations of the police, and provides access to the system. Though it is widely condemned by citizens in the North, at present, it does not appear to have diminished the legitimacy of these institutions. The behavior of the individuals within the police and courts are disliked to varying degrees, but this has not transferred—yet—to a sense that the institutions do not have the right to enforce the rule of law.

Appendix 1: About the research methodology

This research asked: How does corruption function in the criminal justice system in Northern Uganda and what is the impact on the legitimacy of these institutions? The research focused on the police and criminal courts. The prison system is also a key element to the criminal justice sector and has pervasive corruption challenges. However, due to the limitations of our study, the team elected to look deeply into police and courts and omit corrections.

After completing an extensive literature review on corruption and legitimacy, generally and in Northern Uganda, the team conducted field research. Using a semi-structured interview protocol, the team of 2 internationals and 2 Ugandans interviewed 111 individuals in March and April 2016. Ninety of the interviews were conducted in Gulu and Lira districts and 21 in Kampala. Two focus groups were conducted; one in Kampala and one in Gulu. A purposeful recruitment strategy was used to access individuals from different target groups, including: ordinary citizens, criminal justice sector actors (police and courts), actors related to the criminal justice sector (e.g. lawyers, civil society) and international donors. Interviewees were from rural and urban settings and included 57 men and 42 women. Twelve interviewees sex was not documented.

There were some limitations in who we could reach within the criminal justice sphere during our data collection. For instance, the Rapid Response Unit, which is officially mandated to investigate violent crime, and the Professional Standards Unit of the UNP could not be reached for an interview.

The data was organized using the qualitative research software NVivo. Pattern identification and causal loop systems mapping was then used to analyze the data.

End Notes

1. According to the Transparency International (TI) Global Corruption Barometer (2013) for Uganda, 55% of respondents felt that the level of corruption had increased a lot over the past 2 years.
2. For examples of government sponsored documentation of corruption, see the JLOS 2012 Anti-Corruption Baseline Survey; JLOS Annual Integrity Report; Inspectorate of Government Annual Report on Corruption Trends in Uganda using the Data Tracking Mechanism (“Data Tracking Mechanism Report”). For external assessments, see the TI Corruption Perception Index (2015); Global Corruption Barometer (2013); Global Integrity Report and Africa Integrity Indicators.
3. See reports from the Office of the Auditor General noted in the 2014 Data Tracking Mechanism report; 2015 Global Integrity Uganda Scorecard (indicator on civil servant integrity).
4. United Nations, Sustainable Development Goals (SDG 16.5). <https://sustainabledevelopment.un.org/sdg16>.
5. G7 Plus, New Deal for Engagement in Fragile States, <http://www.g7plus.org/en/new-deal/document>
6. Democratic Governance Facility Uganda. <https://www.dgf.ug/what-dgf>
7. Center for Public Interest Law Uganda (CEPIL), *In Dire Straits? The State of the Judiciary Report* (2016); CEPIL & Hague Institute for the Innovation of Law (HiiL), *Justice Needs in Uganda: Legal Problems in Daily Life* (2016); Black Monday Bulletin (Issue 2, January 2013); Peace, Recovery, and Development Plan for Northern Uganda (PRDP) Midterm Review (2011); Immigration and Refugee Board of Canada, Uganda: Overview of the Police Force (2008).
8. Data Tracking Mechanism Report (2015), pg. ii
9. Even prior to this conflict, the police had been established in Colonial times, where their role was to suppress resistance rather than implement the rule of law.
10. Adam Branch, “Uganda’s Civil War and the Politics of ICC Intervention,” *Ethics and International Affairs* 21, no. 2 (2007).
11. Elijah Dickens Mushemeza, “Policing in Post-Conflict Environment: Implications for Police Reform in Uganda,” *Journal of Security Sector Management* 6, no.3 (2008), 4-5.
12. CEPIL and HiiL, *Justice Needs in Uganda* (2016), 6
13. See TI East African Bribery Index; Corruption Perceptions Index (2015); Global Corruption Barometer (2013); Data Tracking Mechanism Report.
14. The focus on Northern Uganda does not imply that corruption is not an issue in the rest of the country. However, the legacy of conflict in this region suggested a unique set of dynamics. As the Third National Integrity Survey (2008) found; “It is noteworthy that the Northern Region which has been experiencing war and civil strife for over 20 years reported the highest levels of the costs of corruption. These costs manifest in form of: limited access to services; increased poverty levels; high resentment; and loss of confidence in government.”
15. The research methodology is explained in further detail in Appendix 1.
16. The authors recognize that there is a dominant international definition of corruption—“the abuse of entrusted power for personal gain”. We based our analysis on what people in the context determine is or is not corruption, so that we do not distort the analysis by using foreign conceptualizations of concepts.
17. A 2014 Judicial Services Commission Report found sexual harassment to be common in the courts. Yet our research was unclear whether ‘sextortion’, the demand for sexual acts in return for a service, is commonly practiced, or if it is more of a form of police abuse of women in custody. There is a popular local song titled “Ogwang gweno be ibilo gin iyi bonga” which means “you local police officer, you cannot test what is under my cloth.” Regardless of whether it is a transaction (corruption) or assault (police abuse), it is clear it is a highly sensitive topic. People explained that this is not something one would want known about themselves.
18. Often referred to as ‘facilitation’, extortion is qualified as ‘implicit’, because the consequences of non-compliance are almost always implied (rather than the overt use of force or threats).
19. State House is the official residence of the President and also includes offices for State House employees, including the State House Comptroller, offices for the First lady, Communications Office, Security Office, Offices for the various Presidential Advisors etc.
20. There have been a few exceptions to this in recent years, such as the rejection of the President’s choice of Chief Justice in 2015. For more on this, see Global Integrity, Africa Integrity Indicators 2015, Uganda Overview.
21. The police are deployed by the government to undermine the political opposition. This is an abuse of power, but it was not categorized as corruption *per se* by our respondents.
22. Neither of these forms of interference appears to be a regularized, integrated flow of funds up the chain, with influence coming back down.
23. See also Anti-Corruption Coalition Uganda, *Temples of Injustice* (2014).
24. Collusion was also described as a form of corruption in the Uganda National Integrity Survey (2008) and in the U4 Uganda Overview of Corruption and Anti-corruption (2013).
25. It should be noted that these syndicates likely also include the Registrar and Court Orderly, but respondents did not mention them specifically. This could be due to a lack of knowledge of different roles, or because they don’t believe the former also participate.
26. There was some evidence that this occurs in the traffic police; however, as this was outside of the criminal realm, it was not investigated further.
27. Our research shows that this is a very common form of corruption in Eastern DRC—so much so that there are known rates of what certain positions must pay up the chain monthly.

28. This is not a new phenomenon; Local Councils were thought to be doing this well before the courts were formalized at this level. See Bruce Baker, "Post-Conflict Policing: Lessons from Uganda 18 Years On," *Journal of Humanitarian Assistance*, July 12, 2004.
29. Defilement (the sexual assault of a girl under eighteen years of age) was the second most mentioned types of crime that citizens deal with.
30. For a more detailed explanation of how corruption is a complex adaptive system, see Scharbatke-Church and Chigas, "Taking the Blinders Off: Questioning how development assistance is used to combat corruption," *The Fletcher School* (2016).
31. <http://blogs.worldbank.org/african/higher-salaries-can-worsen-corruption> and <http://www.theigc.org/wp-content/uploads/2016/02/Foltz-Opoku-Agyemang-2016-Working-paper.pdf>
32. The TI East Africa Bribery Index (2014) found that about a third of their respondents did not report instances of bribery because they felt they were beneficiaries of the transaction.
33. For instance, the past two Archbishops of the Church of Uganda preach regularly on the role of greed contributing to corruption in Uganda.
34. Bruce Baker, "How Civil War Altered Policing in Sierra Leone and Uganda," *Commonwealth and Comparative Politics* 45, no.3 (2007), 368-369.
35. It was striking how similar the terminology was across interviews on how innocent people were charged with crimes they did not commit, while those who are truly guilty get away if they have the financial means.
36. According to the CEPIL and HiiL report *Justice Needs in Uganda: Legal Problems in Daily Life* (2016), at Pg. 60, the most widely used source for information and advice is the Local Council.
37. This is not a new phenomenon. See the PRDP Mid-term Review (2011), Pg. 14.
38. Our research did not produce strong evidence of this, as few people even spoke of mob justice at all. However, the plausibility of the connection suggests that further inquiry would be worthwhile. Additionally, other sources have made the connection, such as the Black Monday Newsletter (September 2014) which noted that "as citizens lose trust in government institutions to resolve disputes fairly, they turn to mob justice."
39. The CEPIL and HiiL report *Justice Needs in Uganda: Legal Problems in Daily Life* (2016) found that 53% of the survey respondents accessed their social networks to find out information about the justice system.
40. Claimants' unrealistic expectations regarding the speed with which cases will be decided may be influenced by traditional practices of taking a dispute to local leaders and having it 'adjudicated' the same day.
41. This issue is also referenced within Uganda government documents like the Data Tracking Mechanism Report (2014). In these, it is called 'inadequate accountability'; these documents support the notion that insufficient accountability enables corruption.
42. According to Samira Sawlani, a journalist with The Observer, a 2012 public poll run by TracFM.org asked for the roots of Uganda's corruption problem: 47% answered that corruption was due to elites setting a negative example.
43. Roget Tangri and Andrew M. Mwenda, "Politics, Donors and the Ineffectiveness of Anti-Corruption Institutions in Uganda," *The Journal of Modern African Studies* 44, no. 1 (2006), 104.
44. According to Tripp (2010), since 1986, the number of ministers and ministers of state has expanded from 33 to 69. By the 2007, the government counted over 71 presidential advisers and assistants.
45. Human Rights Watch, "Letting the Big Fish Swim" (2013)
46. At the same time, the lack of resources also seems to open opportunities for some police officers to make extra money by requesting more than the actual cost (and pocketing the surplus for themselves). It is notable that average citizens almost never explained police corruption through the lens of insufficient resources. As a result, it is unclear whether police truly do not have access to resources, or whether they use this as an excuse to extract bribes. In our estimation it is likely a combination of both. Regardless, these practices create transaction costs, which slow down the police process.
47. July 2016 exchange rates.
48. These figures should be considered estimates. They were provided by the Cost of Living Index website and cross-checked with Ugandans in the north. Available at: <https://www.expatistan.com/price/big-mac/kampala/USD>
49. For instance, the recent use of the quasi-untrained Crime Preventers around the 2016 elections, or the 2007 deployment of two thousand Special Police Constables to Northern Uganda; a group that receives significantly less training and pay than regular police officers.
50. Determining the relative weight of each of these variables was outside the scope of our study.
51. Citizens who had legal aid or NGO accompaniment may not have paid a bribe, but this did not feature prominently in the stories told about these cases. Therefore, further inquiry would need to be made to be certain that these processes were corruption free. Our conclusion focuses solely on those who did not have assistance.
52. According to the TI East Africa Bribery Index (2014), 71% of respondents say they had done nothing to fight corruption.

