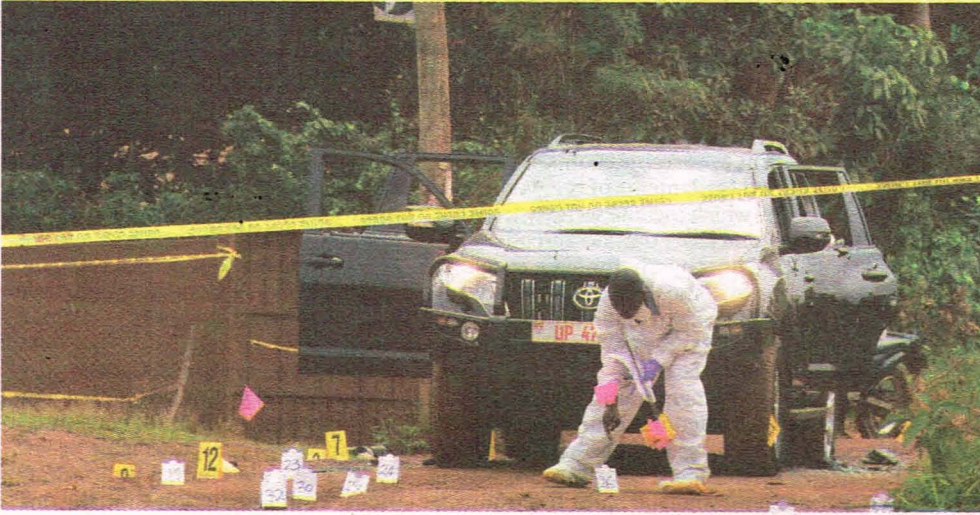


Attorney General, DPP clash over Forensic Bill



Scene of crime officers comb through the place in which former Assistant Inspector General of Police Andrew Felix Kaweesi was shot dead in Kampala in 2017. PHOTO/ FILE

BY DR SYLVESTER ONZIVUA



On September 16, 2025, the Office of

the Director of

Public Prosecution (DPP) submitted its view on the Forensic and Scientific Analytical Services Bill, 2025, whose key objective is to provide for the regulation of forensic and scientific analytical services in the country. The DPP reaffirmed its constitutional mandate of directing police to investigate any information of a criminal nature and to institute criminal proceedings against any person or authority in any court with competent jurisdiction.

The first contentious issue has been the title of the Bill. The DPP and Parliament's Committee on Defence and Internal Affairs noted that the term "forensics" suggests an exclusive law enforcement focus, and that the inclusion of the term "scientific analytical services" would create confusion about the scope and institutional alignment of the law. To the DPP, the inclusion of the word "forensics" in the title of the Bill creates ripples, as the term carries various ring-fenced mandates, especially in law enforcement. As defined in law, forensics connotes an investigative process connected to law enforcement and crime.

Scientific analytical services, on the other hand, involve performing sophisticated testing and analysis on various samples, to classify, identify and quantify their chemical, biological or physical characteristics. This analysis is designed to provide crucial data for research, development, quality control and regulatory compli-

ance across diverse sectors. To the DPP, the phrase "regulation of scientific analytical services" deals with a wide range of scientific services and involves several components, whose expertise can never be combined in one centre.

The Attorney General (AG), however, in his wisdom, recommended that the title of the Bill should be maintained as The Forensic and Scientific Analytical Services Bill, 2025. This is because the short title of the Bill has been deliberately framed to capture its dual mandate. On one hand, it covers forensic services that directly support criminal investigations and the broader administration of justice, and on the other hand, it addresses scientific analytical services, which focus on setting standards, registration and oversight of laboratories.

The AG, thereby, concedes that the Bill covers two totally unrelated subjects when he concludes that the short title of the Bill conveys both the forensic and scientific analytical dimensions of the Bill's scope. This would be like merging the laws that govern the army, police and prison services into one. It was the observation of the DPP that enacting a law that has the potential of confining the numerous functions of various agencies should be handled with a lot of care and after wide consultations with the different stakeholders with varying areas of expertise. Lack of a wide spectrum of consultation

could result in unintended consequences.

The parliamentary committee and DPP also expressed concern over the careless and reckless use of the words forensic services and analytical services in the Bill; the words appear interchangeable. In the Bill, the term "scientific analytical services" lacks an appropriate definition, while the term "forensic science" is not aligned with international standards. Not so, advised the AG. To him, the wording "forensic and scientific analytical services" should be maintained as provided for in the Bill.

The AG, however, advised that the term "forensic science" should be defined as meaning the systematic application of scientific methods, techniques and principles to the collection, preservation, investigation, analysis, presentation and interpretation of evidence for the purposes of law enforcement, justice administration and any legal proceedings.

To the DPP, in law, forensics connotes an investigative process connected to law enforcement and crime. The title of the Bill, therefore, has a wider scope beyond criminal investigation. And the definition of "forensic science" in the Bill is not in tandem with the recognised definitions. In the opinion of the DPP, the definitions in the Bill should be given clearer and broader meanings to cover all possible services as envisioned by Black's Law Dictionary.

AG'S RECOMMENDATION

The Attorney General recommended that the title of the Bill should be maintained as The Forensic and Scientific Analytical Services Bill, 2025. This is because the short title of the Bill has been deliberately framed to capture its dual mandate. On one hand, it covers forensic services that directly support criminal investigations and the broader administration of justice.

To the AG, the concerns that the terms "forensic services" and "analytical services" in the Bill or that "scientific analytical services" lacks definition are addressed within the structure and the language of the Bill itself. The justification offered is that the Bill does not use these terms independently or interchangeably, but consistently employs the phrase "forensic and scientific analytical services". According to the AG, this deliberate formulation ensures clarity of scope and intent, distinguishing the Bill's framework from narrower or fragmented interpretations.

The AG agrees that the Bill provides a clear outline of what constitutes forensic and scientific services. These include a range of laboratory-based activities such as chemical, biological, toxicology and physical analysis that can serve both legal and non-legal purposes. By listing the substantive functions, to the AG, the Bill removes the necessity for separate definitions of each individual term. This approach enhances precision while maintaining flexibility to accommodate scientific and technological advancements.

The DPP and the Committee raised a red flag over the functions and scope of the Government Analytical Laboratory (GAL) as defined in the Bill. The establishment of a forensic and scientific database is at the root of this contention. The term forensic and scientific database is not defined in the Bill, and it was noted that the term lacks a universally accepted definition. Concerns were raised about potential overlap with other agencies' mandates.

In the Bill, one of the functions of the GAL is to create a forensic and scientific database for diverse data. The Bill empowers GAL to conduct forensic and scientific analysis, including ballistics and tool marks. This would imply that GAL would be mandated to have a database of firearms, a function, which, by law, is already a classified function of the armed forces. GAL would also have to create a database of electronic communications or data, which presently is a preserve of law enforcement agencies under the Interception of Communications Act. And keeping biometrics of persons is already a mandate of the National Identification and Registration Authority under the Registration of Persons Act.

The AG agrees that the term "forensic and scientific database" does not have a single, universally accepted definition, but contends that the Bill provides sufficient context to give it meaning within Uganda's legal framework. Specifically, the database is to serve as a repository of scientific information such as toxicological, chemical, biological and physical analysis that may support courts of law, ministries, departments and Government agencies in fulfilling their mandates.

To be continued...