

NEWS LETTER

The Anti-Corruption Bureau, Malawi

Volume 012/Issue 1/ Seventeenth Edition / November 2018

WE CAN DO IT TOGETHER



Witnesses: Patriots or Sniches - PG 3

Corruption fuelling deforestation - PG 13

EDITORIAL

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PUBLISHER

Anti-Corruption Bureau, Malawi
P.O. Box 2437
Lilongwe
Malawi

TEL:

01 770 167, Fax 01 770 108

E-MAIL:

anti-corruption@acbmw.org
www.anti-corruptionbureau.org

EDITOR

Andrew Ussi

CONTRIBUTORS

Reyneck Matemba
Andrew Ussi
Catherine Nkhoma
Susan Phiri
Jonathan Chisale
Heinrich Dzinyemba
Katoto Mtambo
Edward Kamvabingu
Charity Mphande
Austin Likole
Patrick Thole
Hans Christian Andersen
Shadreck Mpasu
Egrita Ndala
Imran Saidi
Wales Chigwenembe
Robert Mwenefumbo

LAYOUT, DESIGN & PRINTING

Hallmark creations Ltd

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MESSAGE FROM THE DIRECTOR GENERAL



Mr Reyneck Mateba

With gratitude and sense of humility let me begin by thanking God for according me an opportunity to serve the people of Malawi by putting me on this position of Director General of the Anti-Corruption Bureau. I would also like to thank the Government of Malawi for recognising my abilities by promoting me from Deputy Director General to Director General of the ACB. My vote of thanks cannot be complete if I don't recognise the people of Malawi for having trust in me through Public Appointments Committee (PAC) of Parliament who confirmed me as Director General. What I require from you is your unwavering support to my office so that this fight against the common enemy, corruption, should be won.

Dear readers, this being a maiden edition under my directorship, I would like to welcome you to this issue of the newsletter as Director General.

My first year has not been an easy ride. A lot has happened since October last year when I took over the mantle from my predecessor Mr. Lucas Kondowe. I am aware that the expectations of the general public on how ACB should deliver are very high. Some of those expectations are realistic while others are not. I can confidently and without a cent of contradiction, assure you dear readers that the Bureau will endeavour to work independently and professionally in order to serve the people of Malawi well. It is not possible to please everyone.

Having reached this far, let me take this opportunity to thank all the former Director Generals for laying a very good foundation for the growth of the Bureau. I am proud to inherit an organisation that has officers who are very committed to their work. I can assure you dear readers that the Bureau has officers who sacrifice a lot of their precious time and resources just to make sure that things work. I salute them!

Going forward, I will ensure that the officers are working in an environment that is conducive and attractive. I am happy to report that the Bureau has in the past twelve months tremendously grown in numbers. A total of 27 new officers have been recruited and have been placed

in various departments and sections of the Bureau. Dear readers, you may wish to know that among the new officers is the Director of Corporate Services (DCS) who joined the Bureau on 1st December 2017 to take up a post left by the sudden demise of our colleague late Issah Njauju, may his soul rest in peace. The coming in of the extra workforce will surely improve service delivery of the Bureau.

Dear readers, at this point in time to address the issue of leakage of information from the Bureau. In June 2018, the ACB was hit a heavy blow due to an investigation report which was leaked from ACB and was circulating in the media circles. It was regrettable to note the seriousness of the damage the document would cause on the investigations, prosecution and security of the witnesses contained therein.

Dear readers, the Bureau operates and relies on the trust of whistle-blowers. The Bureau encourages people to report any suspected corrupt practices and be willing to testify in the court of law. We assure the whistle-blowers and witnesses that their information will be kept in confidence. Based on this premise of confidentiality every officer upon joining the Bureau swears an oath of secrecy. It is against this background therefore dear readers that the leakage of a confidential document was a breach of the Bureau's Standing Orders (BSO) and the Corrupt Practices Act (Sect. 51A).

The Bureau has learnt a bitter lesson from this bad experience and you can be assured that necessary steps within the law have been and continue to be taken to deal with this matter.

It is my plea therefore to the members of the public not to lose trust in the ACB. I call upon you to continue providing the Bureau with corruption reports. The Bureau will strive to ensure that the information you provide us is kept in strict confidence. Continue working with us to fight corruption in order to have a better Malawi free of corruption.

RESIST, REJECT AND REPORT ALL CORRUPT PRACTICES TO ANTI-CORRUPTION BUREAU THROUGH THE FOLLOWING ADDRESSES:

Head Quarters
ACB, Mulanje House,
P.O. Box 2437,
Lilongwe.
Tel: 01 770 166/130
Fax: 01 770 108
E-mail: anti-corruption@acbmw.org

Regional Office: South
ACB, National Bank Building,
Victoria Avenue
Private Bag 170,
Blantyre.
Tel: 01 820 305
Fax: 01 823 105
E-mail: acb-bt@acbmw.org

Regional Office: North
ACB, MPC Building,
P.O. Box 230,
Mzuzu
Tel: 01 311 774
Fax: 01 311 770
E-mail: acb-mz@acbmw.org

Regional Office: Eastern
ACB, A.H. Mahomed Building,
P.O. Box 392,
Zomba
Tel: 01 526 770
Fax: 01 526 774
E-mail: acb-za@acbmw.org

MESSAGE FROM THE EDITOR'S DESK

Andrew Ussi

Hello dear readers! It is with great pleasure and humility that I welcome you to this 17th edition of the Anti-Corruption Bureau newsletter. You have not erred in choosing to spend your precious time reading this piece. Your action is a clear manifestation of the degree of interest you have in the fight against corruption. You will therefore not regret for your choice. You can be assured that your insatiable hunger for information will be greatly rewarded.

Dear readers, as you might be aware Malawi will on May 21, 2019 hold tripartite election where local councillors, members of Parliament and aspiring presidents will be seeking mandate from voters to lead us for the next five years. As these people will be electioneering, a lot of things will happen in an attempt to win the hearts of voters. It is for this reason that The Editors Desk would like to appeal to you esteemed readers to help sensitise your friends and relatives to vote according to their conscience backed by good policy proposals and promises the candidates will be making. No vote should be wasted just because of hand-outs from politicians which in turn 'corrupt' and influence our rational abilities at the time of voting.

Let us encourage all those who registered to go and vote in their large numbers. Let's tell them that bad leaders are put in power by those who do not vote. I therefore call upon all voters to ensure that the voters' registration slip is safely kept and use it on the voting day to vote for appropriate leaders. To this end I wish you the best on your reading journey of this newsletter. Make use of the information you collect along the way. It will arm you against the corrupt predators and place you in a better position to blow the whistle for the anti-corruption watch dog, the ACB to pounce on them. Stay blessed.



“ Let us encourage all those who registered to go and vote in their large numbers. ”



Witnesses are regarded as 'snitches' or 'hard hearted' - Mary Kachale, Director of Public Prosecution

Witnesses: Patriots or Snitches?

By Andrew Ussi

FOR corruption cases to be successfully prosecuted in the court of law they rely on credible evidence. This evidence has to be given by witnesses who are willing and comfortable to do so. People can be willing to be witnesses if they are assured of a very conducive environment to do so. A good environment is that which is free of threats.

A witness needs an environment which is not intimidating. Otherwise the witness will not be available to testify.

Speaking during the commemoration of the International Anti-Corruption Day on 9th December 2017 at Bing'u

International Convention Center, the Director of Public Prosecution (DPP) Mrs. Mary Kachale had this to say on the importance of witnesses: *'availability of witnesses in the enforcement of the penal laws is crucial not only for law enforcement purposes but for the maintenance of the independence of the judiciary'*

It is worrisome to note that people with information on corruption are discouraged to come out and blow the whistle.

If they come forward to testify in court they are vilified and called all sorts of names. They are regarded as snitches (okhomelera anza) or hard hearted (owuma mtima). It is for this reason that the DPP was worried that corruption is left un-reported

within the government system and the society as a whole.

This kind of attitude of despising witnesses discourages people who are patriotic to come forward and testify. As the theme of the day was "fight corruption, demand accountability", the DPP wondered how accountability can be achieved if people are discouraged to testify. She said that testifying in the court of law is everyone's civil duty.

She therefore called for patriotism in the fight against corruption. People who report corruption are not snitches but patriotic citizens who are promoting accountability. The 2017 IAD was presided over by the Chief Secretary to Government, Mr. Lloyd Muhara, SC.

2017 INTERNATIONAL ANTI-CORRUPTION DAY COMMEMORATION AT BINGU INTERNATIONAL CONVENTION CENTER IN PICTURES

The Anti-Corruption Bureau on 9th December 2017 organised a discussion in commemoration of the International Anti-Corruption Day (IAD). The function was held in Lilongwe at Bingu International Convention Center (BICC) under the theme: Fight Corruption, Demand Accountability. Below are the highlights of the day in pictures:



Group Photo of the delegates to the commemoration



Mr Matemba, ACB Director General



Chief Secretary delivering a keynote address for the function as Guest of honor



Solicitor General, Antony Kamanga SC. greeting the panel of presenters



Teresa Temweka Ndanga NAMISA President speaking during the commemoration



Former ACB Director, Mr. G. Chiwaula (left in black suit) sharing lighter moments with Chief Secretary to the Government Mr. Lloyd Muhara while current ACB Director General Mr. Matemba looks on



Cross section of the participants



Robert Chiwamba reciting a poem



Members of Foreign missions also attended the function



Members of the Civil Society; First ACB Director Mr Gilton Chiwaula (right) sitting next to Mr. Ollen Mwalubunju, Executive Director of National Initiative for Civic Education (NICE) Trust



A cross section of the participants



ACB officers making sure that everything is in order

MATEMBA BLAMES PUBLIC SERVANTS FOR CORRUPTION IN GOVERNMENT

By Andrew Ussi

“Public Servants are to blame for corruption that happens in Government not politicians” said ACB Director General, M. Reyneck Matemba during the commemoration of International Anti-Corruption Day on 9th December 2017 in Lilongwe.

Matemba said this in view of the cash gate scandal that rocked the government coffers in the recent past. He said that Public Servants are the ones that process payments not politicians.

Public Servants know all the necessary requirements for a payment to be processed in line with the Public Finance Management Act and regulations. If the officers stick to what the Act says, politicians cannot have a chance to siphon government funds.

Matemba therefore appealed for all public officers to protect the government purse. He further warned that any one who is found on the wrong side of the law will be prosecuted.

In his opening remarks, the Chief Secretary to Government speaking on behalf of Malawi Government reiterated the position of the State President Professor Arthur Peter Mutharika that nobody will be shielded by Government from prosecution on corruption cases. He said that the President is committed to fighting corruption at all levels. He said that this commitment is demonstrated by the provision of increased funding to the Anti-Corruption Bureau.

The commemoration was organised in the form of discussions focusing on presentations made by four institutions under the theme **Fight Corruption: Demand Accountability**. The presenters were from National Media Institute for Southern Africa-Malawi Chapter (NAMISA) represented by Tereza Temweka Ndanga, Public Procurement and Disposal of Assets Authority (PPDA) represented by Mr. Arnold Chirwa, Director of Public Prosecutions (DPP) Mrs Mary Kachale and on behalf of the Anti-Corruption Bureau the presentation was done by Mr. Reyneck Matemba, the Director General.

Delegates to the function included members of the civil society, the media, public sector, development partners and Ambassadors.

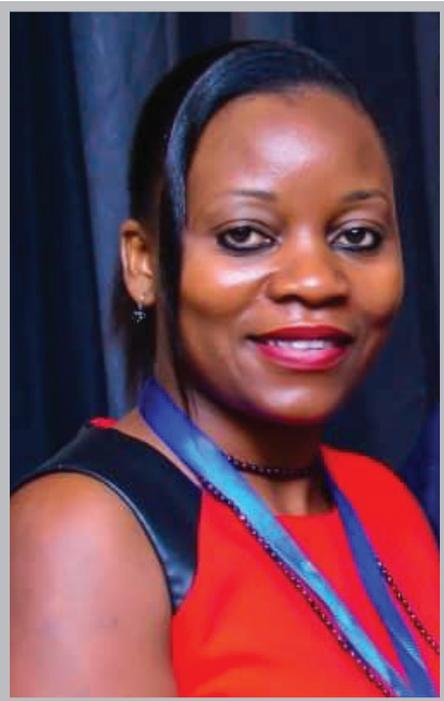


Civil Servants to blame for Corruption-Matemba

Assets recovery and return High on the Agenda

at the 8th annual general meeting and conference of heads of ACAs in Abuja: Lessons for Malawi

By Susan Anjimile Phiri



‘PARTNERING towards Assets Recovery and Return’ was the theme for the 8th Annual General meeting and conference of heads of Anti-corruption Agencies (ACAs) in Commonwealth Africa which took place in Abuja, Nigeria from 14th - 18th May, 2018. Different ACAs made presentations on how their countries are faring on the issue of assets recovery and return. An overview from the presentations paints a promising picture that strides are being taken to recover assets acquired unlawfully within African member states.

This is an important aspect for the ACAs because in addition to prevention, the central objective of every serious anti-corruption mechanism must be to seize every illegally acquired asset in the possession of the criminal and pauperize him if possible to serve as

a deterrence. In this regard, several member states have enacted laws to facilitate asset forfeiture and recovery. Many developing countries have sought to recover stolen assets. A number of successful high-profile cases with creative international cooperation have demonstrated that asset recovery is possible.

UNDERSTANDING ASSETS RECOVERY

Recovery of assets refers to the process of identifying, tracing and recovering the proceeds of crime and/or unlawful activity, such as corruption, and returning it to the victims of the crime and/or unlawful activity. Considering the centrality of illegal and greedy asset acquisition to corruption, depriving the criminal of his proceeds has proven to be the silver bullet.

The concept of assets recovery is embedded in the idea of economic development whereby the assets that were acquired through suspicious means are returned to the public to encourage development. The understanding is that whatever was stolen through corruption was stolen from the people hence it has to be returned to the people i.e. the public purse.

There are two routes to assets recovery and return. Firstly is the ‘conviction based / criminal based’ assets recovery. Criminal forfeiture laws (also called confiscation laws) connote a legal process that facilitates the recovery of property linked to criminal activity.

The process is triggered by a criminal conviction for a predicate offence. However as noted by many ACAs this route is costly since most of the times it takes long for corruption cases to reach conviction. Further depending on the court the perpetrator can be acquitted hence the state will not have a chance to recover any of the

assets.

Secondly there is ‘non-conviction based / civil forfeiture’ assets return. This involves the recovery of assets before the perpetrator is convicted by a court of law. This is a remedial statutory device designed to recover the proceeds of unlawful activity, as well as property used to facilitate unlawful activity without the necessity of arresting or prosecuting the perpetrator of the unlawful activity.

Civil forfeiture laws do not create offences, nor do they prohibit any conduct or impose any penalty, fine or imprisonment on an individual. Generally, the state brings a proceeding against property (in

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“The concept of assets recovery is embedded in the idea of economic development whereby the assets that were acquired through suspicious means are returned to the public to encourage development.”



Buses recovered from Mr. L. Kalonga

...Lessons for Malawi

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rem) rather than against individuals. In the case of proceeds of unlawful activity, the court is invited to inquire into the origin of property.

In general, there are two policy rationales for civil forfeiture. First, gains from unlawful activity ought not to accrue and accumulate in the hands of those who commit unlawful activity. Those individuals ought not to be accorded the rights and privileges normally attendant to civil property law. In cases of fraud and theft, the proceeds ought to be disgorged and distributed back to victims.

Second, the state as a matter of policy wants to suppress the conditions that lead to unlawful activities. Profits from criminal activities also represent capital for more criminal activities, which can further the harm to society. Leaving property that facilitates unlawful activity in an individual's hands creates a risk that he or she will continue to use that property to commit unlawful

activity.

In recent decades, it has become increasingly clear that the criminal justice system does not live up to the adage that crime does not pay. Criminals are for a variety of reasons able to keep and enjoy the spoils of their crime. This is offensive to public morality and is in itself a powerful incentive for crime.

Most countries have come to realization that criminal forfeiture on its own is an insufficient law enforcement tool. To be effective, forfeiture must be available in both criminal and civil forms as crime must never pay. Civil forfeiture therefore is regarded as an effective way to quickly deal with property to safeguard against its dissipation and hiding.

LESSONS FOR MALAWI

Several lessons have been learnt from the Abuja conference on issues of assets forfeiture. According to the leader of the Malawi delegation to Abuja,

the Director General of the ACB Mr. Reyneck Matemba, currently Malawi has enacted the Financial Crimes Act a law that establishes the 'Asset forfeiture fund'. This is a step in the right direction because the Corrupt Practices Act is not adequate in addressing issues of assets forfeiture.

When asked whether there have been any notable recovery of assets in Malawi, Mr. Matemba mentioned that currently the law in Malawi provides for conviction based forfeiture which has its challenges. However there have been some notable assets which the ACB has successfully recovered. Examples include: (a) a house recovered from the late Triza Senzani where the ACB is receiving rentals; (b) Cotton ginnery recovered from Mr. Oswald Lutepo; (c) Cars and buses recovered from Mr. Leonard Kalonga which are being used by various government departments; (d) 12 million Malawi Kwacha recovered from Ms. Esnart Ndovi, just to highlight a few.

BRIEF ON THE 8th ANNUAL COMMONWEALTH REGIONAL CONFERENCE

FOR HEADS OF ANTI-CORRUPTION AGENCIES IN AFRICA-NIGERIA



Compiled by Catherine Nkhoma

Heads of Anti-Corruption Agencies in Commonwealth Africa (ACACA) have been meeting annually since May 2011. Hosting of these conferences is done on rotational basis. The secretariat is based in Botswana and the center is coordinated by Dr. Roger Koranteng who is the Governance Advisor for Commonwealth Secretariat.

The ACACA endeavors to foster partnership of member countries, support member states to prioritize anti-corruption work, mobilize key institutions and monitor corruption issues after years fighting against corruption as anti-corruption agencies. The meetings offer opportunities for peer to peer review, and share innovations through country papers.

The opening ceremony was graced

by several high profile figures from within and outside Nigeria which, included two former Heads of State of Nigeria His Excellency Gen. Yakub Gowon and His Excellency Gen. Abdulsalami Abubaker Excellency Thabo Mbeki Former President of the Republic of South Africa. The Noble Laurette Prof Wole Soyinka also gave a goodwill message. The following were some notable comments from key note addresses:

- The Vice President of Nigeria, His Excellency Professor Yemi Osinbajo, represented President Buhari. He stated that the fight against corruption is at the center of President Buhari as the African

Union champion on corruption. There is a commitment team within and believes that when political will is high, the sky is the limit in the fight. He therefore said the meeting should endeavor to forge for lasting contacts among partners.

- The Chief Justice of the Nigeria, Hon. Justice Walter Onnoghen also reiterated on the importance of political will as it makes an inroad in the fight against corruption. He stressed that there is nobody who can fight corruption effectively without Judiciary.

- Professor Wole Soyinka was also present and his goodwill message emphasized on the responsibility of a collective efforts of a country. On leaders he said, 'until some leaders pass through our premises; the fight will not work.

- The Former Head of State of Nigeria, General Yakubu Gowon concentrated on the political leader's role in the fight against corruption. He said as Head of state, engaging in corruption brings bad image to the leaders. He pleaded with leaders that they should not deprive people of their rights and not to touch anything that does not belong to them.

- Former Head of State of Republic of South Africa, Mr. Thabo Mbeki said agencies should be at the center of retaining resources that have gone out of Africa; that eradication of poverty and under-development of the

Public Education should let people know and understand that the assets that people are stealing are theirs and they should therefore be angry enough to act when corruption is taking place.

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BRIEF ON THE 8th ANNUAL COMMONWEALTH REGIONAL CONFERENCE

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continent cannot be solved unless issues of peace, security, democratic systems, respect for diversity and corruption are sorted out. He further said that Public Education should let people know and understand that the assets that people are stealing are theirs and they should therefore be angry enough to act when corruption is taking place.

He also called on the Anti-Corruption Agencies in Commonwealth Africa to ensure that there is citizen participation in the fight against corruption if the war is to be won. The citizens should own the fight. They should understand how corruption affects them and their communities. “We cannot win the fight against corruption on the continent unless we involve the ordinary people.”

- The Secretary General for the Commonwealth Secretariat, Honourable Mrs. Patricia Scotland said fighting corruption is an integral part of development, and Commonwealth is thriving ‘to put wealth back into common and put the common back into wealth’. In 2015, she said, UNDOC found out that corruption eats up 2-5% of GDP of the world and 148 billion dollars per annum in Africa alone. So globally, agencies are fighting a tsunami of corruption. She was happy all the same that eight out of ten countries in Africa that are performing well on the TI Integrity Index are commonwealth countries.

If countries could cooperate effectively and work with progressing determination on the matters of the fight, countries would recover billions of dollars. She hoped the meeting would provide an opportunity to professionals to exchange ideas and experiences on what works and what does not and alert each other on emerging issues.

She also applauded the commonwealth Africa member states for not being on the list of the ten most corrupt countries in the world and encouraged them to go further. “It is through practical and collaborative ways as this, working with and among our member countries, that we continually raise the standards we set for ourselves in the Commonwealth, in response to the expectations of our citizens.”



Prof. Wole Soyinka making his address



Former President of the Republic Of South Africa, H.E. Thabo Mbeki addressing the participants.

ACB ORGANISES THE FIRST EVER NATIONAL ANTI-CORRUPTION YOUTH FORUM



Mr. Deus. Lipenga.

In welcoming everyone to the occasion, ACB Director of Public Education, Mrs. Charity Mphande enlightened the youth on how the Bureau operates and highlighted possible areas of collaboration with the youth. This was in tandem with the assertion made by ACB's Director General, that "it is only when the youths understand their

role that they can have impact in their areas and districts." Chief Director in the Ministry of Youth, Mr. Lipenga tipped the youth on ways through which the youth can push for the anti-corruption agenda, including mobilizing themselves for citizen rights reports; using tech solutions for both documenting corruption cases and social networking to fight corruption. Mr.

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By Jonathan Chisale,
Public Education Officer,

THE Anti-Corruption Bureau (ACB) through its Public Education Department organised a first ever National Anti-Corruption Youth Forum (NACYF) at Linde Motel in Mponela, Dowa from 30th - 31st May 2018. The objectives of the National Youth Forum were to: provide an environment where the youth could share their experiences on corruption; develop ideas from the youth perspective on how corruption can be dealt with in Malawi; and develop an Action Plan for the recommendations/resolutions made at the forum.

The Forum brought together youth representatives from various youth groups and organizations across the country, and fifty-one (51) youths participated. The youth were identified through District Youth Offices; NICE Trust; anti-corruption clubs and ACB's partner organizations across the country.

The Forum took place under the theme "Integrating the Youth in the Fight against Corruption." Mentors at the forum included the Director General of ACB, Mr. Reyneck Matemba who was accompanied by ACB's directors of Investigations, Corporate Services, Corruption Prevention and Public Education.

The Ministry of Youth was represented by Chief Youth Officer,



From left: Mr Aggrey Mwale (DCS-ACB), Mr. Deus Lipenga (Chief Youth Officer-Min, of Youth), Mr. Ryneck Matemba, (Director General-ACB), Mrs. Mary Phombeya (DCP-ACB) and Mrs. Charity Mphande (DPE-ACB)



Group of ACB Director General with delegates to the youth forum

ACB ORGANISES THE NATIONAL ANTI-CORRUPTION YOUTH FORUM

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Lipenga further urged the youth to use creative arts to engage and mobilize communities and disseminate anti-corruption messages.

The forum's activities included thought provoking presentations from ACB and Institute of Internal Auditors Malawi, plenary discussions on the presentations, debate, youth sharing their corruption experiences and networking among the youth.

Facilitators for the two-day Forum included ACB's Senior Public Education Officers Messieurs Edward Kamvabingu, Andrew Ussi and Patrick Thole; Senior Public Relations Officer Mrs. Egrita Ndala; and two officials from Institute of Internal Auditors Malawi (IIAM), Mr. Sitima and Mr. W. Katopola.

Some of the topics discussed at the forum were: The youth in the world of corruption; Where are we with the fight against corruption; Corruption versus entrepreneurship spirit among Malawian youths; the Collective role of building a better (corrupt free) Malawi And Empowering the youth and building an ethical culture.

The youth bemoaned high levels of corruption in Local Councils and Traffic



The Director General, Mr Reyneck Matemba talking to the youth

Police Officers and asked the Bureau to do something about the issue.

Speaking at the end of the Forum, Group President, Lusubilo Zimba, who is also working with Nkhotoakota NICE Trust encouraged her fellow youth to use their talents (music, writing, drama, etc) to spread messages against corruption.

The forum ended with development of action plans and sports activities.

The sporting activities were aimed at promoting tolerance, team spirit and networking among the youth.

he Bureau has plans to make the National Youth Forum a yearly event, and increase the number of participants. ACB wishes to invite stakeholders who are willing to contribute funds or partner with it in any way they can towards implementation of the next National Youth Forum.

CORRUPTION FUELS DEFORESTATION

With Andrew Ussi

THE Director General of the Anti-Corruption Bureau, Mr. Reyneck Matemba said that deforestation is on the increase due to corruption. Matemba said this on 21st March 2018 when he led his ACB troupes in an afforestation drive for Mudi Dam Catchment Forest Reserve. Matemba

wondered how tree products like charcoal in bulk find their way on the markets despite having a lot of security checkpoints manned by the Police and Forestry officials.

'People are able to access both natural and artificial forests because they bribe their way through. After cutting down the trees they transport

them and pass through roadblocks' bemoaned a disappointed Matemba. Mr Matemba then warned all involved in corruption in the environmental sector that the law will take its course in order to protect the environment. He further urged all Malawians to take full responsibility of taking care of the environment.

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CORRUPTION FUELS DEFORESTATION

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Mr. Matemba justified why the Bureau decided to plant trees this year.

‘The Bureau is planting trees first of all to contribute towards the conservation of the environment and secondly to fulfil our commitment towards the environment as espoused in the Performance Contract which the Bureau signed with the Government of Malawi.’

In his remarks, the Laboratory Technician and Environmental Officer for Blantyre Water Board, Mr Precious Puzani commended the ACB for deciding to plant trees at Mudi Catchment area. He said the trees protect the quality of the water in the dam which is the source of water for the people of Blantyre.

The tree planting exercise by ACB officer was done in Mzuzu, Lilongwe and Blantyre and a total of 2500 trees were planted with 1700 planted in Blantyre.



Matemba planting the first tree at Mudi forest reserve



ACB Officers pose for a group photo before planting trees

Code of Conduct and Public Officers

By Heinrich Dzinyemba
Assistant Report Centre Officer

On Institutional Integrity Committees Corner published in sixteenth edition of the Anti-Corruption Bureau Newsletter dated September 2017, Corruption Prevention Officer Mr. Katoto Mtambo stated that an “Anti-Corruption Action Plan” is a step by step process that helps an organisation to identify corruption problems of an institution and seek efficient interventions. Klitgaard (1991) in Controlling Corruption states that corruption has self-serving aspects to those in the public service. It distorts otherwise efficient policies. For instance, corrupt payments are socially unproductive.

They result in socially inefficient policies. In some institutions, public officers solicit bribes in lieu of providing services that are free and solicit bribes for services in which a client has officially paid for as required by regulations. In the former, the practice has gained ground in public hospitals where patients are told to pay money in order to meet a physician to check an ailment and provide prescription. In the latter, the malpractice is common in an institution supplying electricity to houses of applicants or service water utility supplying water to rural or urban dwellers. By delaying to provide services to clients despite the availability of resources, public officers employed to act promptly and expeditiously on such matters would easily be noticed and disciplined as required by the code of conduct.

CONDUCT OF PUBLIC OFFICERS

In the government accounts for the end year June 2016, irregularities were conspicuous in public finance management arising from failure to account for fuel and stores, gross negligence and wasteful expenditure, and failure to take disciplinary actions against officers committing such acts. A code of conduct and ethical standards for public officers under the Public Service Act could be a better tool to combat bribery, corruption, lack of dedication to duty and dishonesty. Such a code would enable public officers to discharge their duties with utmost responsibility, integrity, competence and loyalty whilst upholding public interest. As a policy in legislative form, it should be intended not only to promote high standard of ethics in the public service but also enable any officer lead modest life while upholding public interest over personal interest. In it could be detailed norms of conduct that public officers ought to display in the course of executing their duties.

For space reasons, only a few points have been provided. The first is commitment to public interest. Every officer ought to always uphold the public interest over and above personal interest. Government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically in order to avoid wastage of public funds and revenues. The second is professionalism. Public officials and employees must perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They ought to enter the public service with utmost devotion and dedication to duty, and endeavour to discourage wrong

perceptions of their roles as dispensers or peddlers of undue patronage. And third point is responsiveness to the public. Public officials must extend prompt, courteous and adequate service to the public.

When required by public interest, public officials and employees ought to provide information of their policies and procedures in a clear and understandable language, ensure openness of information whenever appropriate, encourage suggestions, simplify rules and procedures and avoid red tape. Conduct standards generally require little judgment: “You obey or incur a penalty”.

DUTIES OF PUBLIC OFFICERS

The code should outline what is expected from their duties and provide a fairly clear set of expectations about which actions are required, acceptable or prohibited. Thus public officials ought to act promptly, within specific working days from receipt when responding to letters or other means of communications sent by the public, and the reply must contain the action taken on the request; official papers and documents must be processed expeditiously and completed within a reasonable time from the preparation and must contain, as far as practicable, signatories of supervisors; public officials and employees must attend to anyone who wants to avail himself of the services of their offices and must, at all times, act promptly and expeditiously.

DISCLOSURE OF ASSETS AND LIABILITIES

Corruption exists when an individual illicitly puts personal interest above those of the people and ideals he or she pledged to serve. Through it, some public officers have amassed wealth through illegal sources. As such, the code should provide provision for statement of disclosure of assets and liabilities so that every officer files a document within a specific period after the assumption of office. Public officials have an obligation to accomplish and submit declarations under oath, and the public has the right to know, their assets, liabilities, net worth and financial and business interests including those of their spouses.

Besides, it would be a requirement that every department, office and agency to conduct continuing analyses of their work systems and procedures to improve delivery of public services. The analyses shall identify systems and procedures that lead to negative bureaucratic behaviour; simplify rules and procedures to avoid red tape; and devise systems and procedures that promote morale and satisfaction.

CONCLUSION

Code of conduct provides rules and boundaries that employers can refer to for appropriate or accepted ethical, professional or disciplinary behaviours. A well-structured code of conduct provides a fair, consistent and valuable signal to all in an institution of the core values of an organization. While these are basically subjective, it does provide guidelines on how to act in the workplace so as to eradicate corruption.

By Katoto Mtambo
Corruption Prevention Officer,

AS stated in the earlier issues, this column is designed to help members of the general public and the IIC members in particular to understand the mandate of the IIC as stipulated in the National Anti-Corruption Strategy (NACS).

In this issue, as promised in the last issue, we look at the second role of the IIC particularly on organizing ethics training for staff and other stakeholders.

To begin with, ethics is a system of moral values, standards and principles of conduct governing an individual or a group. Ethical behaviour is the conduct that conforms to ethical standards of an organization or institution. The sources of ethical standards for an organisation are code of ethics, code of conduct, policies, circulars, procedures, trainings among others.

The overriding purpose of an ethics training program is to align employees' behaviour to the organization's objectives and goals. Specifically, it serves the following purposes. First, it cultivates a strong team work and productivity. Second, it reduces criminal acts and omissions by timely detecting unethical issues and violations. Third, it promotes a strong public image. An organization that regularly gives attention to its ethics portrays positive image to the public. Fourth, it creates a sense of self discipline in employees as they execute their duties. Lastly, it assists employees to solve ethical dilemmas by creating awareness of ethical issues and helping them to decide on a course of action.

The NACS mandates the IICs to conduct ethics and integrity training of staff and other key stakeholders on a regular basis. However, before the IIC starts executing this mandate, it is required to liaise with the Anti-Corruption Bureau for its capacity building in organizing integrity and ethics training. This capacity building training equips IIC members with knowledge, skills and attitudes needed for organising integrity and ethics training. The IIC will be the first group to be trained so that they can use the knowledge and skills acquired to champion the cause among all members of staff.

Following the training of the IIC in ethics, the IICs includes in their anti-corruption action plan training of other members of staff in ethics and integrity. Depending on the size

INSTITUTIONAL INTEGRITY COMMITTEES (IICs) CORNER

Organizing Integrity and Ethics Training

of the institutions, training of staff members may be phased; or where possible incorporated in already existing training programs. The trained IIC members will create an understanding amongst staff members on the provisions of the NACS, and on corruption issues such as ethics tools in an organisation, guidelines for resolving ethical dilemmas, essential values and principles required among the members of staff. Depending on the nature of the organization, clients and key stakeholders may also require training on corruption issues. The training may also include the mechanisms that the organization is employing to fight corruption and the roles that clients and stakeholders can play in the fight against corruption.

Against that background, the IIC members need to be very conversant with the process of organising ethics training. The process of organising ethics training follows the same five stages involved in organising workshops. The first stage is the design stage. The design is the plan that guides the creation of all training objectives, materials and strategies. The following are the outputs of the design stage: training objectives, determination of targeted participants, choice of venue, choice of dates and time, choice of facilitators and selection of topics and strategies.

The second stage in the process of organising ethics training is the development stage. This stage involves the creation of training documents, materials and assessment tools. The

development phase uses the outputs from the design phase to create the training materials. The training organisers and facilitators conduct research to come up with relevant material for the delivery of the topics or points of discussion. The outputs of the development phase are: creation of training programme, creation of the preamble, development of topics/ points and the creation of materials for the facilitator and the participants.

The third stage is the implementation. Implementation is the actual delivery of the prepared material in a prepared setting. This phase uses the outputs from the development phase to conduct the training. For effective delivery of the prepared material the following should be considered: punctuality, climate-setting, workshop participation and style of presentation.

The final stage in organising ethics training is evaluation. In this phase participants evaluate the effectiveness of the workshop at the end of the workshop preferably using the participants' evaluation forms. Facilitators and organisers also evaluate the effectiveness of the training taking into consideration the participant's evaluation. Lessons learnt from these evaluations are essential for effective implementation of similar future trainings.

In the next issue, we shall look at the third role of IIC particularly on developing corruption prevention policies for the organisation. Thank you for reading.

ACB holds 2nd Annual IIC forum

By Katoto Mtambo -
Corruption Prevention Officer



The Anti-Corruption Bureau through its Corruption Prevention Department organized a second Annual Institutional Integrity Committees (IICs) Forum which was held on 5th April 2018 at Capital Hotel in Lilongwe.

The IIC forum creates a platform for the Bureau and the IICs to take stock of the progress that has been made in the past year, reflect and discuss challenges being faced in the work of the IICs, and facilitate the sharing of experiences to strengthen IICs' resolve in the fight against corruption in their respective institutions.

The 2018 IICs forum was graced by the Chief Secretary to Government Justice Lloyd Muhara, SC. In his opening remarks, he commended the IICs for their efforts and commitment in the fight against corruption. He however urged the IICs to increase their influence in their place of jurisdiction to make their work more visible.

"Integrity is the antidote to corruption and the IICs are tasked to spearhead the process of instilling some sense of integrity in the citizenry through their action and mentoring," he remarked.

The Director General of the Anti-Corruption Bureau, Mr Reyneck Matemba also thanked the IICs for their participation in the annual forum and pledged total support in their work.

"The Bureau is recruiting additional officers in its Corruption Prevention and Public Education departments. The officers will be spread in all our different regional offices namely; Lilongwe, Blantyre, Mzuzu and Zomba. These officers will be available for you when you need technical assistance on matters of your mandate," he pledged.

According to the Lead organizer of the event, Susan Phiri, the 2018 annual IIC forum was attended by 86 IICs members from 47 institutions.

DRTSS Launches Anti-Corruption Documents

By Katoto Mtambo -
Corruption Prevention Officer

In an effort to fight corruption and better serve the general public, the Directorate of Road Traffic and Safety Services (DRTSS), has developed and launched the Corruption Prevention Policy and the Client Service Charter.

The launch of the two documents took place on 5th January 2018 at Capital Hotel in Lilongwe under the theme "Corruption Compromises Road Safety". The launch was presided over by Secretary for Ministry of Transport and Public Works, Mr Francis Chinsinga. It was attended by DRTSS officers, clients and stakeholders.

Speaking at the launch of the two documents, the Director of DTRSS, Fergus Gondwe pledged to fight any form of corruption taking place within the sphere of his control. He further urged the clients to hold the officers accountable if they do not meet the expectations stipulated in the Clients Service Charter. As a sign of his commitment, he signed the Corruption and Fraud Prevention Policy Declaration Form witnessed by the

Director General of the Anti-Corruption Bureau, Reyneck Matemba.

"I hereby make this solemn declaration that I understand the provisions of this policy. I further pledge to abide by the policy during my employment with the Directorate," reads part of the declaration which was later signed by all officers working for the Directorate.

The Director General of Anti-Corruption Bureau, Reyneck Matemba commended the DRTSS for the development and eventual launch of the Corruption and Fraud Prevention Policy and the Client Service Charter.

"The launch of the policy today is a clear message to clients that it is possible to access services at the Directorate without any top up money in the form of bribes to fast track a service. Through the service charter, the Directorate is also pledging to the clients to hold the Directorate's officials accountable if they do not meet the expectations as stipulated in the charter," he remarked.

The development of the DRTSS Corruption Prevention Policy and Client Service Charter was championed by the Institutional Integrity committee of DRTSS with technical assistance from the Corruption Prevention Department of the Anti-Corruption Bureau.



By Ezilon Kasoka

It is no secret that corruption is widespread in the country. The effects of corruption on economic development are well documented. One of the areas where corruption is rampant is in procurement. There are more than a few malpractices in procurement which need to be exposed and dealt with as a matter of urgency. Procurement is perceived to be vulnerable to corruption from project inception to completion. Corruption in procurement involves the art of selecting the best briber instead of the best bidder. While acknowledging that corruption in procurement is a deadly enemy, the best way to go on the battlefield against this fatal enemy is to devise mechanisms to deal with it. This article suggests five possible effective solutions to deal with corruption in procurement. Enforcing code of ethics and conduct should be first step in the fight against corruption in procurement. Many people engage in corrupt acts due to lack of good moral values. If individuals uphold good moral values, they will be aware of the consequences of their actions and refrain from indulging in such acts.

Corruption can be prevented from within if an individual imbibes strong moral values of integrity, honesty, leadership, accountability, transparency, fairness, equity and trust. As such, there is urgent need to inculcate ethical culture in both private and public bodies. Malawi government developed code of ethics and conduct for the public service which sets out standards of correct behaviour expected of all public officers. It emphasizes the importance of a responsible, responsive and caring public service

Dealing with Procurement Corruption in Malawi:

A Business Unusual Approach

and is intended to promote effective administration and responsible behaviour. All public officials should be aware of the provisions through capacity building and awareness initiatives. These should be supported by enforcement of the provisions by taking to task all public officials who do not comply with the codes.

Another way to fight corruption in procurement is to regulate political party financing.

It is a relief to note that recently, parliament has passed a law that regulates political party financing. What remains to be seen is the enforcement and implementation of the law.

Corruption in procurement can also be fought by introducing e-procurement. There is physical contact at almost each and every stage of procurement: starting from where bidders come to purchase bidding documents, to submission of bids, opening of bids and during implementation and monitoring. This interface is a recipe for corruption. It can result in arrangements to inhibit competition by deceiving or depriving others of their rights in order to secure an unfair advantage. To reduce the interface, institutions should consider introducing electronic procurement (e-procurement). E-procurement involves the purchase and sale of supplies, work and services through the internet

as well as other information and networking systems. The process of e-procurement covers every stage of purchasing, from the initial identification of a requirement, through the tendering process, to the payment and potentially the contract management. E-procurement has potential to improve transparency and accountability.

Bid protest system is another way in which corruption can be greatly reduced in procurement process. A bid protest is a challenge to the award or proposed award of a contract for the procurement of goods and services or a challenge to the terms of a solicitation for such a contract. But despite this being provided for in the Procurement Act, little is being done on the ground. This to a greater extent is due to lack of clear mechanisms for protesting and failure to address the issues when raised. In addition, decision to award a contract to a particular firm is not communicated to all the bidders before the outcomes are made public. As such, Malawi can address procurement corruption by providing mechanisms to communicate intention to award contract to all bidders. In addition, procuring entities should provide remedies to challenge the decision early in the process, such as the setting aside of the award decision, the use of a standstill

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period for challenging the decision between the award and the beginning of the contract, or the decision to suspend temporarily the award decision. In all cases, a sufficient period of time to prepare and submit a challenge should be provided to unsuccessful tenderers.

Access to information should also be highly promoted in the procurement process. Freedom of information laws represent a key instrument for enhancing transparency and accountability in the public procurement process. In the spirit of fighting against procurement corruption, Malawi should strive to disclose public information on the key terms of major contracts to Civil Society Organization(CSO), media and the wider public to scrutinize public procurement. The reports of oversight institutions should also be made widely

available to enhance public scrutiny. To complement these traditional accountability mechanisms, procuring entities should consider involving representatives from CSOs and the wider public in monitoring high-value or complex procurements that entail significant risks of mismanagement and corruption. Deliberate capacity building initiatives on public procurement targeting CSOs and media should be intensified by relevant bodies such as Public Procurement and Disposal Authority.

In conclusion, corruption in public procurement requires an exceptional attention because it works in insidious ways. There is need to develop a detective eye in order to spot corrupt practices in procurement processes. For Malawi to deal with corruption in the procurement process, it has to employ and implement a variety of strategies. This is because multiple factors are responsible for cases of corruption and also because each strategy has its own shortfalls.



FIGHTING CORRUPTION THROUGH FAIRNESS AND INTRINSIC MOTIVATION

By Staff Reporter

FAIRNESS- Everyone wants fairness and when this is lacking, people start cutting corners. A story is told of two monkeys that were in separate rooms and a clear glass separated the rooms. One monkey was given cucumbers while the other was given stones. After eating several cucumbers, it stopped, thinking the other monkey had better food. The plates were switched and it soon realized that the other monkey didn't have

food but stones. When the plates were switched again, the monkey started eating the cucumbers again. Even animals want fairness, so practice fairness at workplace to deal with corruption.

INTRINSIC MOTIVATION-This refers to one doing the right thing out of one's own motivation/values. Civic Education should move people from carrot and stick to intrinsic motivation. Let people develop passion for values and virtues

MULANJE ADCs SENSITIZED ON CORRUPTION

By Patrick Thole,
Senior Public Education Officer.

In a bid to reduce cases of corruption in local projects, the Anti-Corruption Bureau through its Public Education Department organized sensitization workshops for Area Development Committees (ADCs) in Mulanje District. The sensitization workshops were held from 17th to 20th April 2018, and targeted Njema ADC in the area of Traditional Authority Njema, Mimosa ADC in the area of Traditional Authority Sunganinzeru, Mabuka ADC in the area of Traditional Authority Mabuka and Chikumbu ADC in the area of Traditional Authority Chikumbu.

The workshops were aimed at equipping members of Area Development Committees with knowledge on effects of corruption on development projects and importance of avoiding and reporting corruption to the Anti-Corruption Bureau. At the workshops Senior Public Education Officer, Patrick Thole urged the ADC Members to take their role seriously since with decentralization they are key players in the development of their areas. He then encouraged them to take time to study and understand implementation manuals for District Development Fund, Local Development Fund, Constituency Development fund and other programmes so that they are able to competently detect any abuse or other malpractices during implementation of various projects.

The ACB officer also warned Area Development Committee members against indulging in corrupt practices to avoid frustrating development of their areas. He added that some members of ADC elsewhere in the district were arrested and are being investigated on corruption allegations, so if they do not take heed of the advice they may find themselves in a similar situation. He cited connivance between ADC members and contractors to inflate prices of building materials with the hope of sharing the difference and recruitment of close relations or ghost workers during Public Works Programmes as some examples of abuses that can land them in jail. The Officer then urged the ADC members to report any suspected cases of corruption that they may encounter during implementation of various projects to the Anti-Corruption Bureau.

Taking their turn, chairpersons of the Area Development Committees thanked the Bureau for organizing the sensitization workshops. They said the workshops were an eye opener to them since before the training they were doing some things which they did not know were against the law. They then promised to take the message seriously and put it into practice. They further requested the Anti-Corruption Bureau to organize similar workshops for members of parliament, councilors and council officials so that they are all at the same page.

Similar workshops were also conducted in the Eastern region particularly in Balaka at Kankawo TDC and in Machinga at T/A Nkula, T/A Stola, Paramount Chief Kawinga, T/A Mlomba, T/A Nsanama and T/A Liwonde. In the Central region, ADC workshops were held in Dedza at T/A Chilikumwendo and T/A Kaphuka; and finally other six workshops were held in the Northern region in Karonga targeting Lupembe ADC, Wasambo ADC, Ngerenge ADC and Mbande ADC. Likoma and Chizumulu Islands were not spared too.



Members of Njema ADC pose for a photo with ACB officers



Members of Mimosa ADC pose for a photo with ACB officers



Members of Ngerenge ADC pose for a photo with ACB and NICE Trust officers



Tikondane Club-Salima receiving bicycles from ACB

ANTI-CORRUPTION CLUBS:

SUCCESS STORIES

Compiled by Catherine Nkhoma & Edward Kamvabingu

Anti-Corruption Bureau, through its Public Education Department (PED) is mandated to disseminate information on the evil and dangerous effects of corrupt practices on society, as well as enlisting and fostering public support against corrupt practices. This is according to Corrupt Practices Act, part III section 10 (iii)(iv).

The Public Education Department has currently eight officers, who reach out to a Malawian population of about seventeen million. This is practically impossible, unless other stakeholders join the ACB. As such, the Department engages the services of other stakeholders at every level to ensure concerted participation in the fight against corruption.

One kind of stakeholders that has supplemented the PED's work of civic education are the Anti-Corruption Clubs (ACC). Currently the Department

has approximately sixty (60) active Clubs all over the country. These are community based groups, who get organized after being empowered with anti-corruption messages and volunteer to engage in civic education programs. The maximum number of people in these Clubs is twenty (20). The ACB trains them and certifies them for this duty.

This article would like therefore to put on record some successful achievements of three clubs namely: Tikondane Club in Salima district, Walemera Club in Nkhota-kota and Madise Club in Mzimba District

TIKONDANE CLUB: SALIMA DISTRICT

Tikondane has several stories worth sharing. However, I would like to register one on how they work hand in hand with chiefs in the area of Traditional Authority Kalonga in Salima District. As most chiefs are prone to corruption, most of them detest the idea of permitting these clubs to work amongst their subjects. They fear information empowerment would lead to them being reported to ACB and

consequently being arrested. Fortunately this is not the case with T/A Kalonga and his chiefs. The membership of the Club has gained the trust of these chiefs to an extent that the Club is involved in most of the activities and meetings convened by the chiefs. The chiefs believe that the members bring credibility to whatever they are discussing and transacting. The club's good reputation that has proven beyond reasonable doubt that the members are worth the trust.

Due to the good record and hardworking spirit of the club as it carries the banner of volunteerism, the Anti-Corruption Bureau has in two consecutive years provided grants to the club to support their operations. The club has also recently benefited three bicycles from the Anti-Corruption Bureau to ease the club's mobility.

WALEMERA CLUB: NKHOTA-KOTA

Most Politicians shiver when they hear

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ANTI-CORRUPTION CLUBS: SUCCESS STORIES



Madise Anti-Corruption Club in Mzimba posing for a photo with ACB Officers after a public forum

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the Anti-Corruption Bureau, especially being visible at district level. It is mostly because there is a lot of malpractice at local level with decentralization. Programs like MASAF, Constituency Development Fund, etc where Members of Parliament (MP) as well as Councilors are on the forefront in these programs. Whether that is their duty or not is another story for another time. However, the issue is that ACB visibility through Clubs is a thorn in the flesh for some politicians and duty bearers.

Walemera Club has been outstanding in working with the MPs and Councilors in Nkhota-kota North East Constituency. The members of Walemera have scored a point with MP Martha Lunji Chanjo. Any meeting organized by the MP and councilor is graced by the Club members with special invitation. One meeting for the Area Executive Committee in Bua ward had to be delayed in order to allow these members to be present to help in sorting out some misunderstandings in the area.

The MP in the area had allocated MK 126,000.00 finances from the CDF for the roofing of Walemera Club Office to show her appreciation for the role of the club in her area. This too shows how the Club is valued at that level. The ACB has also given them assistance in terms of mobility issues with two bicycles. Member of Parliament Martha Lunji Chanjo (Nkhota-Kota North East Constituency) has been supportive to

Walemera Anti-Corruption club

MADISE CLUB: MZIMBA DISTRICT

Another success story is about Madise Anti-Corruption Club which is based at Madise in the area of STA Mtwalo in Mzimba. The club started its operations way back in 2009. In 2017 the club noticed some irregularities in their community like pregnant women being forced to pay money per session of antenatal clinic and those who were not paying were not being assisted. In addition, members of the Community Policing were demanding money from people being suspected of theft in order not to hand them over to police among others. When the issues were brought to the ACB, a public forum was arranged to resolve the alleged corrupt practices. Public forums are platforms of interaction between service providers (Public Officers) and service users (Members of the Community). On 21st April 2017 a public forum was conducted at Madise Primary School ground. In attendance were some representatives from Community

policing, Madise Health Centre, Chiefs, ACB, forestry, and faith based institutions. During the forum it was established that out-patients pay K50.00 per visit and women who attend maternity clinics at Madise Health Centre are requested to pay more than K50.00 to use the facility each time they visit the facility.

It was resolved that the hospital committee, chiefs and Madise Anti-Corruption Club should meet and resolve the issues since the services are supposed to be enjoyed for free. It was also resolved that Chiefs, the anti-corruption club and the Community Policing committee should meet to resolve the issues that were raised during the forum. The club was requested to give feedback on the resolutions to the ACB. Barely months after the public forum was conducted the ACB got feedback from the club that the issues that were raised were all resolved and that people are happy with services they are getting.

DID YOU KNOW?

- On 9/12/2003 the United Nations Convention Against Corruption (UNCAC) was signed in Mexico and that was the start of the International Anti-Corruption Day.
- That corruption fuels terrorism, money laundering and is a poison from prosperity and development?
- That corruption always fights back and those fighting it should be ready to bear the cost.

KNOW THE WORK OF AN ACB OFFICER

With Andrew Ussi

Readers I bring to you another edition of 'Know the Work of an Anti-Corruption Bureau Officer'. In this column I interview various officers of the ACB to share their work experiences. The objective of this column is to give you an opportunity to have a better understanding of the work of the Bureau.

In this interview I am privileged to present to you the chat I had with the new Director of Corporate Services who took up the vacant post left by late Issah Njaunju (MHSRIEP). This is how the interview progressed:

AU: Can you briefly tell us your name and background?

My name is Aggrey Mwale, as you know. I am a trained Accountant and Administrator. A holder of Bachelor's Degree in Accountancy (BACC), a Fellow of Certified Chartered Accountants (FCCA) and a holder of a Master's Degree in Business Administration (MBA). In terms of work experience, I have worked mostly in the Public Sector. In brief I have previously worked for ESCOM, Mzuzu University, Malawi Human Rights Commission and Episcopal Conference of Malawi in such positions as Financial/Management Accountant; Deputy Director of Finance and Investment, Director of Administration and Finance (DAF), Director of Finance, Investment and Administration (DOFIA), Director of Corporate Services (DCS). So you can see that this is not the first for me to hold such a position.

AU: When did you join the ACB?

I joined the Bureau on 1st December, 2017.

AU: You are the ACB's Director of Corporate Services, how did you receive the news of your appointment, considering that your predecessor was murdered allegedly on work related issues?

I received the news of appointment with humility and gratitude mainly because I know that there are so many



Director of Corporate Services (DCS), Mr. Aggrey Mwale

people out there who qualify for this post and probably had shown interest by applying for the then vacant post. I am however at pains to comment and relate my appointment to my predecessor's unfortunate predicament (MHSRIEP).

AU: May you tell the readers your duties as DCS at the Anti-Corruption Bureau.

Aaah, the duties of DCS are quite numerous. I will just summarize that the DCS is there to oversee the implementation of the Bureau's strategies and policies in Finance, Procurement, Human Resource, ICT, Monitoring & Evaluation and General Office Administration. In all these Sections, which are quite diverse in nature, you need to provide policy direction as well as assist in their operations.

AU: What would you want ACB officers and the citizenry to remember you for after your tenure of duty?

From the staff perspective, I want to be remembered as someone who was friendly, patient, honest, hardworking,

somebody who assisted staff to attain their full potential and with the help of the Director General assist staff to prudently utilize Government resources so as to achieve the Bureau's goals.

From the citizenry point of view, they will not look at me as an individual but they will look at the performance of the Bureau holistically. As a member of the Management Team, we need to preserve the Bureau's integrity at all times, we need to discharge our work professionally and thrive to meet the general public's expectations and trust. When that trust is lost it becomes a tall order to regain it. So, all the staff in the Bureau must work as a team in preserving the Bureau's integrity and the confidence of the citizenry. In so doing we will have created a very good legacy for the Bureau and members of the Bureau will be judged by that by the citizenry.

AU: Are there any challenges you have faced so far? How do you intend to address them?

Challenges are always there. Challenges may not be eliminated but probably minimised. In the course of doing my work there are some challenges and some of them include:

- Understaffing. The Bureau has to grow in terms of staffing levels to match with operational challenges. Many departments and sections of the Bureau are understaffed. We are recruiting additional staff to address this challenge.
- Funding delays and underfunding. At times we delay to implement some activities due to funding delays or because the funding is not adequate to match with the cash flows. This challenge is addressed by continuous engagement with Treasury and usually we are assisted.
- Processing of payments. The Bureau at times experiences delays in the processing of payments. As you know, there are a lot of players in the payment processing cycle (both internal and external). We always engage the relevant stakeholders to fast track these payments.

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KNOW THE WORK OF AN ACB OFFICER

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• Office space for members of staff is another challenge. I hope one day, the Bureau will have its own offices in all the Regions other than renting, as the case is currently. The above are just but some of the challenges I have faced so far.

AU: What advice would you give to the ACB Officers and readers in terms of their expectations?

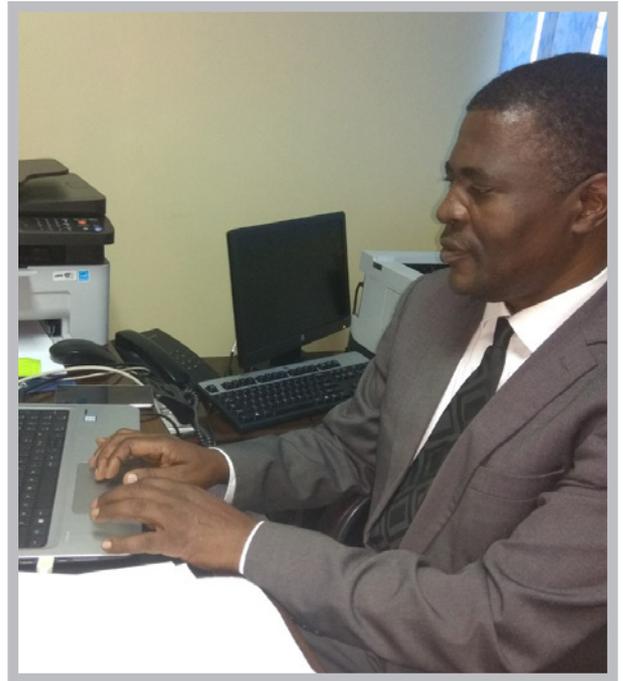
My advice to my fellow staff in the Bureau is that they should have confidence in my office. With the support and guidance from the Director General, Directors and all other staff members, we will continue to lobby for adequate resources from Government and other Development Partners so that the Bureau delivers the desired results and needed impact in the fight against corruption.

I would also encourage my fellow staff to be innovative in their areas of speciality as the working environment keeps on changing. Expectations are usually realized where there is team work so my plea is that we should work together.

Finally, to the rest of the readers, my advice is that the fight against corruption is the responsibility of all citizens. Let us all reject, fight and report corruption.

AU: Thank you very much for your time and for accepting to grant this interview

You are most welcome and my door is open.



The emperor's new clothes

by Hans Christian Andersen

MANY years ago there was an Emperor so exceedingly fond of new clothes that he spent all his money on being well dressed. He cared nothing about reviewing his soldier, going to the theatre, or going for a ride in his carriage, except to show off his new clothes. He had a coat for every hour of the day, and instead of saying, as one might, about their ruler. "The King's in council," here they always said. "The Emperor's in his dressing room."

In the great city where he lived, life was always gay. Every day many strangers came to town, and among them one day came two swindlers. They let it be known they were weavers, and they said they could weave the most magnificent fabrics imaginable. Not only were their colors and patterns uncommonly fine, but clothes made of this cloth had a wonderful way of becoming invisible to anyone who was unfit for his office, or who was unusually stupid.

"Those would be just the clothes for me," thought the Emperor. "If I wore them I would be able to discover which men in my empire are unfit for their posts. And I could tell the wise men from the fools. Yes, I certainly must get some of the stuff woven for me right away." He paid the two swindlers a large sum of money to start work at once.

They set up two looms and pretended to weave, though there was nothing on the looms. All the finest silk and the purest old thread which they demanded went into their travelling bags, while they worked the empty looms far

into the night.

"I'd like to know how those weavers are getting on with the cloth," Emperor thought, but he felt slightly uncomfortable when he remembered that those who were unfit for their position would not be able to see the fabric. It couldn't have been that he doubted himself, yet he thought he'd rather send someone else to see how things were going. The whole town knew about the cloth's peculiar power, and all were impatient to find out how stupid their neighbors were.

"I'll send my honest old minister to weavers," the Emperor decided. "He'll be the best one to tell me how the material looks, for he's a sensible man and no one does his duty better."

So the honest old minister went to the two swindlers sat working away at their empty looms.

"Heaven help me," he thought as his eyes flew wide open, "I can't see anything at all." But he did not say so.

Both the swindlers begged him to be so kind as to come near to approve the excellent pattern, the beautiful colors. They pointed to the empty looms, and the poor old minister stared as hard as he dared. He couldn't see anything, because there was nothing to see. "Heaven have mercy," he thought. "Can it be that I'm a fool? I'd have never guessed it, and not a soul must know. Am I unfit to be the minister? It would never do to let on that I can't see the cloth."

"Don't hesitate to tell us what you think of it," said one of the weavers.

Oh, It's beautiful - It's enchanting." The old minister peered through his spectacles. "Such a Pattern, what

The emperor's new clothes

colors!" I'll be sure to tell the Emperor how delighted I am with it."

"We're pleased to hear that," the swindlers said. They proceeded to name all the colors and to explain the intricate pattern. The old minister paid the closest attention, so that he could tell it all to the Emperor. And so he did.

The swindlers at once asked for more money, more silk and gold thread, to get on with the weaving. But it all went into their pockets. Not a thread went into the looms, though they worked at their weaving as hard as ever.

The Emperor presently sent another trustworthy official to see how the work progressed and how soon it would be ready. The same thing happened to him that had happened to the minister. He looked and he looked, but as there was nothing to see in the looms he couldn't see anything.

"Isn't it a beautiful piece of goods?" the swindlers asked him, as they displayed and described their imaginary pattern.

"I know I'm not stupid," the man thought, "so it must be that I'm unworthy of my good office. That's strange. I mustn't let anyone find it out, though." So he praised the material he did not see. He declared he was delighted with the beautiful colors and the exquisite pattern. To the Emperor he said, "It held me spellbound."

All the town was talking of this splendid cloth, and the Emperor wanted to see it for himself while it was still in the looms. Attended by a band of chosen men, among whom were his two old trusted officials-the one who had been to the weaver-he set out to see two swindlers. He found them weaving with might and main, but without a thread in their looms.

"Magnificent," said the two officials already duped. "Just look, Your Majesty, what colors! What a design!" They pointed to the empty looms, each supposing that the others could see the stuff.

"What's this?" thought the Emperor. "I can't see anything. This is terrible! Am I a fool? Am I unfit to be the Emperor? What a thing to happen to me of all people! - Oh! It's very pretty," he said. "It has my highest approval." And he nodded approbation at the empty loom. Nothing could make him say that he couldn't see anything.

His whole retinue stared and stared. One saw no more than another, but they all joined the Emperor in exclaiming, "Oh! It's very pretty," and they advised him to wear clothes made of this wonderful cloth especially for the

great procession he was soon to lead. "Magnificent! Excellent! Unsurpassed!" were bandied from mouth to mouth, and everyone did his best to seem well pleased. The Emperor gave each of the swindlers a cross to wear in his buttonhole, and the title of "Sir Weaver."

Before the procession the swindlers set up all night and burned more than six candles, to show how busy they were finishing the Emperor's new clothes. They pretended to take the cloth off the loom. They made cuts in the air with huge scissors. And at last they said, "Now the Emperor's new clothes are ready for him."

Then the Emperor himself came with

All the town was talking of this splendid cloth, and the Emperor wanted to see it for himself while it was still in the looms.

his noblest noblemen, and the swindlers each raised an arm as if they were holding something. They said, "These are the trousers, here's the coat, and this is the mantle," naming each garment. "All of them are as light as a spider web. One would almost think he had nothing on, but that's what makes them so fine."

"Exactly," all the noblemen agreed, though they could see nothing, for there was nothing to see.

"If Your Imperial Majesty will condescend to take your clothes off," said the swindler, "we will help you on with your new ones here in front of the long mirror."

The Emperor undressed, and the swindlers pretended to put his new

clothes on him, one garment after another. They took him around the waist and seemed to be fastening something - that was his train-as the Emperor turned round and round before the looking glass.

"How well Your Majesty's new clothes look. Aren't they becoming!" He heard on all sides, "That patter, so perfect! Those colors, so suitable! It is a magnificent outfit."

Then the minister of public processions announces: Your Majesty's canopy is waiting outside."

"Well, I'm supposed to be ready," the Emperor said, and turned again for one last look in the mirror. "It is a remarkable fit, isn't it?" He seemed to regard his costume with the greatest interest.

The noblemen who were to carry his train stooped low and reached for the floor as if they were picking up his mantle. They pretended to lift and hold it high. They didn't dare admit they had nothing to hold.

So off went the Emperor in procession under his splendid canopy. Everyone in the streets and the windows said, Oh, how fine are the Emperor's new clothes! Don't they fit him to perfection? And see his long train!" Nobody would confess that he couldn't see anything, for that would prove him either unfit for his position, or a fool. No costume the Emperor had worn before was ever such a complete success.

"But he hasn't got anything on," a little child said.

"Did you ever hear such innocent prattle?" said its father. And one person whispered to another what the child had said, "He hasn't got anything on. A child says he hasn't anything on."

"But he hasn't got anything on!" the whole town cried out last.

The Emperor shivered, for he suspected they were right. But he thought, "This procession has got to go on." So he walked more proudly than ever, as his noblemen held high the train that wasn't there at all.

MORAL OF THE STORY: Managers should build good relationships with those under them so that they can be telling them the truth. - Charity Mphande, Director of Public Education
-Keep on reflecting for more lessons-

Short Story

The Silvermen of Zibwere

by Shadreck Mpasu

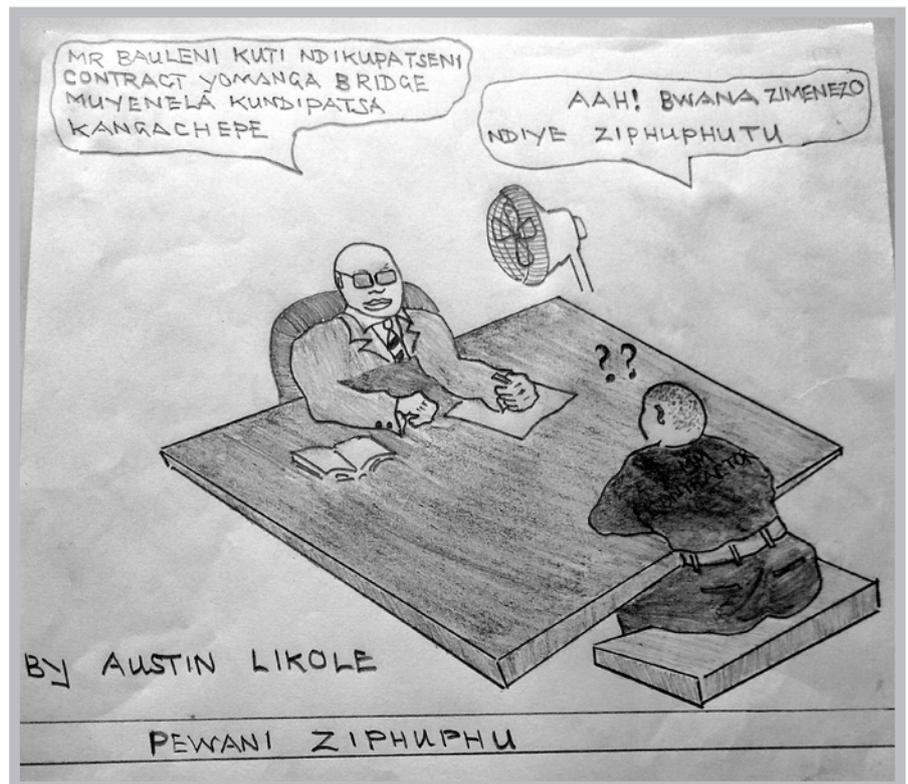
Chilaka had not been at the bottle store for a couple of weeks now. As he approached the entrance to the drinking joint, he entertained a feeling of indecisiveness. He had vowed to himself and his classmates that he would never touch anything alcoholic for the remaining days of his life.

A man of God had prayed for him. "If you dare take alcohol again, I can see your life coming to a sudden stop." The prophet had warned him. His prophetic words could not be ignored no matter how mortal they sounded. He feared death like every living being does, and there was no need to take chances.

But in life risks are meant to be taken and those who take more risks gain more rewards. Chilaka's conscience was clear; visiting Zibwere Drinking Den was not drinking alcohol in itself. The risk and urge to drink could be high but the will to stand the test was equal to the test.

"I hear you are a law student at the university, what brings you here at this time and season, young man?" A half drunk aging man, probably in his late fifties took Chilaka to task as soon as he entered Zibwere bottle store. He appeared to have no better answer for a moment until he realized the man had a parental concern over him. "Universities do not admit children, they admit students. At my age I can assure you there is nothing childish in me." For a while, Chilaka felt guilty as the man looked at him almost lost for words. But as the drunkard staggered away, his eyes escorted him all the way until he disappeared into the far corner of the dimly lit bottle store. The man joined a group of his colleagues who clearly noted his change of mood. "In our days, we always respected elders. Not you young men these days. When you step into the corridors of a university, you hold yourself beyond human reach." He was almost talking to himself.

None of his friends responded. Before he knew it, Chilaka was just behind him, apparently challenging him in case he says something sinister against



his personality. "The problem with our students in this age is that their admission to universities and colleges is hardly based on intellectual merit. It is their parents' financial merit that matters. You see?" Another man sitting next to the half-drunk man re-ignited the conversation.

"Look, how could a whole university graduate fail to read the bible in church? It's a dirty shame colleagues. Our education has really gone down the drain." He seemed to have finished as he reached for his bottle and drained it of all its contents.

Chilaka looked at him with contempt. Why are people of yester-years always nostalgic? Why should one brag about a remote past that can neither be retrieved nor applied in the modern digital world? He suppressed the urge to school the two "drunkards" by word or act.

They ordered for a few more bottles

and eventually invited him for one. He declined.

"So, why are you here? You have been idle for too long, boy. Are you lost or something?" The bald-headed man took Chilaka to task.

"I know you are a student at the university. And for sure, you guys are perpetually broke these days. Besides, you are void of manners little boy. Those who lack manners should at least have money. You have none. Shame on you!"

He was not sure how the unfamiliar bald headed fellow came to realize his true identity. Little did he know that almost everyone in the bottle store had immense respect for the two men. They had been visiting the liquor store on a daily basis for the past two weeks. And each time they did, everyone in the bottle store was served with at least three bottles of their favourite beer. "Silvermen" was

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The Silvermen of Zibwere

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the title they earned for their generosity. "That is no excuse to call me names," he assured himself. The man needed a lesson for his reckless verbal diarrhoea. Describing him 'moneyless' and manner-less was too bitter a truth for Chilaka to endure. Approaching him in a full combative posture, Chilaka found no need to sound apologetic.

"Do you have any wisdom left in your bald head?" In no time, the student had forced one of the two gentlemen to the floor. Before he could deal with the other one, Chilaka was surrounded by a battalion of six muscular young men. For a moment, he was convinced, he was in the wrong place at the wrong time. But there was no escape route. He thought of calling police but there was no time to reach for a phone. His cry for help from within the bottle store landed on deaf ears as the loud music rendered his shout a mere cry in the wilderness. He wasn't sure who hit him first. But he was down, surrounded and defeated.

Within minutes, he had been violently convicted of a crime he wasn't given a right to be heard. The pain, the confusion that accompanied the nose and mouth bleeding kept him lying on the floor. Motion-less. Gradually, he managed to lift himself up. The six boys had all left. He couldn't guess where they had gone, neither where they had come from. But he had been told that they were employed as security personnel for the bald-headed man. He paid them

handsomely besides the beer that he could buy for them at the time of their convenience.

In a moment, three strange young men of identical height and stature, were in the bottle store. They appeared to be searching for someone or something. One could not easily guess but Chilaka's eyes aided him to access the arrest warrant which one of the officers had shown to the two men.

But why on earth! Why could they come only to arrest the bald headed man and his fellow? These were good Samaritans for those who had little or no cash to buy a bottle or two. Everyone was left wondering as the two men were led out of the bottle store.

Their case attracted a lot of public attention. They managed to find one of the most accomplished lawyers in town. But after six weeks of trial the case had to come to its conclusive end.

"I therefore find both the first and second accused guilty of the offense of corruptly soliciting and obtaining money." The judge pronounced himself amidst cemetery silence in the courtroom.

Chilaka woke up to a stunning headline in one of the daily newspapers; 'Silvermen get seven years for corruption.' As he read the story, the incident at the bottle store became strongly vivid and he wished the men could have been given a more severe sentence.

ACB ARRESTS AND PROSECUTIONS

Compiled by Egrita Ndala, Senior Public Relations Officer

COURTS FINDS MP FOR MZIMBA HOLA WITH A CASE TO ANSWER

On 7th September, 2010, the Anti-Corruption Bureau received an allegation that Hon. Christopher Mzomera Ngwira, MP for Mzimba Hola Constituency presented invoices from YOGI and Mzimba Hardware on pretext that they had supplied building materials for Lukwelukwe School Project which was funded by LDF under M'mbelwa District Council.

The Anti-Corruption Bureau conducted investigations into the matter which established that Hon. Ngwira used influence to award a contract to Mr. Paul Louis Mtonga and advised the Project Management Committee (PMC) members to sign blank withdrawal slips and told them not to indicate the amount to be withdrawn and that he on his own indicated MK650, 000.00 on the withdrawal form.

He was taken to Mzimba Magistrates Court where he was charged with two counts of misuse of public office contrary to Section 25 B (1) of the Corrupt Practices Act. He was found with a case to answer on one count on 19th July, 2018. The case will go to Court for defence on a date to be advised.

COURT CONVICTS TWO IN NSANJE OVER LDF FUNDS

On 23rd November, 2015, the Anti-Corruption Bureau received a complaint alleging that thirty people only instead of one hundred were working on a Local Development Fund (LDF) project in Nsanje District and that the other seventy were ghost workers.

The Anti-Corruption Bureau instituted investigations and established that Village Headman Alufandika and the Chairman of the Village Development Committee Mr. Rashid Mamani connived to include the ghost workers on the list of villagers to work on a project to construct a canal from the Shire River to Tikondane Irrigation Scheme.

On 26th January, 2017, the Anti-Corruption Bureau arrested Mr. Useni Pensulo (Village Headman Alufandika) and Mr. Rashid Mamani. They were taken to court on 27th January, 2016 where they were charged with uttering a false document, theft and misuse of office.

On 20th March, 2018, Nsanje Magistrate's Court convicted the two on all the three counts. They were sentenced to thirty six months imprisonment for misuse of public office, 18 months for uttering a false documents and twelve months for theft. The sentences were expected to run concurrently.

COURT CONVICTS FORMER MALAWI ELECTORAL COMMISSION STAFF IN NTCHEU

In June, 2008, the Anti-Corruption Bureau received a complaint alleging that Helix Dzuwa, District Elections Clerk based in Ntcheu connived with Alfred Singano of Kasinje to Solicit money from people who wanted to be recruited as Registration Clerks around Kasinje area.

The Anti-Corruption Bureau instituted investigations which confirmed the allegation. On 27th October, 2011, the Anti-Corruption Bureau arrested Mr. Helix Dzuwa and Mr. Alfred Singano. They were taken to Ntcheu Magistrate's Court.

Dzuwa was charged with one count of abuse of public office contrary to Section 25B (1) of the Corrupt Practices Act and 14 counts of corrupt practices by public officer contrary to Section 24(1) of the Corrupt practices Act. Singano was charged with one count of obtaining money by false pretences contrary to Section 319 of the Penal Code.

On 16th February, 2018, the Court acquitted Mr. Dzuwa of all the corruption charges. The two were convicted on the charge of obtaining money by false pretences. They were each fined K30, 000.00 or in default serve eight months imprisonment.

COURT SENTENCES PRINCIPAL SCIENTIST AT THE DEPARTMENT OF SCIENCE AND TECHNOLOGY IN LILONGWE

In April, 2017, the Anti-Corruption Bureau received a complaint alleging that the Acting Director of Science and Technology in the Ministry of Education in Lilongwe had abused his office by using a Government Cheque to repay a personal loan.

The Anti- Corruption Bureau instituted investigations which established that Mr. Patrick Mphadzula had used a Government cheque amounting to K300,000.00 to repay a personal loan of K70,000.00 and asked the one he had repaid the loan to, to cash and give back to him the remaining K230,000.00.

On 2nd May, 2017, the Anti-Corruption Bureau arrested Mr. Mphadzula. He was taken to Lilongwe Magistrate's Court where he was charged with abuse of office contrary to Section 25B (1) of the Corrupt Practices Act, money laundering contrary to Section 35(1)(a) of the Money Laundering, Proceeds of Serious Crime and Terrorist Financing Act and theft contrary to Section 278 of the Penal Code.

COURT SENTENCES THREE IN LILONGWE

On 5th October, 2011, the Anti-Corruption Bureau received a complaint alleging that there were corrupt activities at Accountant General's Office involving loss of public resources in excess of MK400 Million.

The Anti-Corruption Bureau instituted investigations which confirmed the allegation. It established that Malawi Police Service had paid Classic Motors the sum of K45, 000,000.00 for no service rendered.

On 9th December, 2011, the Anti-Corruption Bureau arrested Vincent Churchill Nyondo (Inspector of Police, Accounts), Francis Kambova Mkwamba, owner of Classic Motors, Garnet Wilson Chandema (Assistant Commissioner of Police) and Elijah John Wilson Kachikuwo (the then Deputy Commissioner of Police and Head of Finance at the Malawi Police Headquarters).

On 9th March, 2018, the Court sentenced the three as follows:

Vincent Churchill Nyondo who was charged with three counts of theft by public servant contrary to Section 283 of the Penal Code, money laundering Contrary to section 35(1)(c) of the Money Laundering , Proceeds of Serious Crime and Terrorist Financing Act and misuse of public office contrary to Section 25B(1) of the Corrupt Practices Act. Mr Nyondo was sentenced to ten, five and five years' imprisonment on each of the three counts respectively.

Francis Kambova Mkwamba who was charged with one count of money laundering contrary to Section 35(1) (c) of the Money Laundering, Proceeds of Serious Crime and Terrorist Financing Act was sentenced to five years imprisonment with hard labour.

Mr. Elijah John Wilson Kachikuwo who was charged with one count of misuse of public office contrary to Section 25B(1) of the Corrupt Practices and one count of negligence of duty contrary to section 284 of the Penal Code. He was acquitted for abuse of office and convicted for negligence of duty. He was fined K2, 000,000.00 or serve two years in prison in default.

Mr. Kachikuwo paid the fine. Meanwhile, Mr. Nyondo and Mr. Mkwamba are serving their sentences at Maula Prison which run from the date of conviction which is 19th December 2017.

On 27th February, 2018, the Lilongwe Magistrates Court convicted him. On 17th April, 2018, the Court sentenced him to 12 months imprisonment for abuse of public office, 18 months for money laundering and 6 month for theft. The sentences have been suspended for 24 months, 36 months and 12 months respectively.

The court said it had taken the decision considering the fact that; the convict pleaded guilty, he is a first offender, the amount involved, the convict has lost employment and terminal benefits after working in Government for 23 years.

The court also ordered that the MK300, 000 involved be forfeited to the Government.

ACB ARRESTS DEVELOPMENT MANAGEMENT COMMITTEE MEMBER IN MZIMBA FOR GIVING FALSE INFORMATION TO THE BUREAU

On 7th September, 2010, the Anti-Corruption Bureau received an allegation that Hon Christopher Mzomera Ngwira MP for Mzimba Hola Constituency presented invoices from YOGI and Mzimba Hardware on pretext that they had supplied building materials for Lukwelukwe School Project which is funded under LDF under M'mbelwa District Council.

The Anti-Corruption Bureau conducted investigations into the matter which established that Hon. Ngwira advised the Project Management Committee (PMC) members to sign blank withdrawal slips and told them not to indicate the total amount to be withdrawn and that he on his own indicated MK650, 000.00 on the withdraw form.

The Bureau also established that Susan Nyirenda, a Committee Member had lied to the Bureau that the money was withdrawn by the Committee and not by Hon Ngwira. She also lied to the Bureau that Mr. Louis Paul Mtonga paid back to the Committee K400, 000.00 when in essence it was Hon. Ngwira who had paid back the money. On 9th January, 2018, the Anti-Corruption Bureau arrested Susan Nyirenda for giving false information to Bureau contrary to Section 14(1) (a) of the Corrupt Practices Act.

The Bureau took her to Mzimba Magistrate's Court where she was charged. The case is still in Court

ACB ARRESTS TWO PEOPLE IN MZUZU OVER MILLENIUM CHALLENGE ACCOUNT (MCA) FUNDS

On 7th December, 2017, the Anti-Corruption Bureau received a complaint alleging that Mr. Martin Zgambo, Chairperson of Village Grievances Resolution Management Committee (VGRMC) connived with Mr. Herbert Mandala of Snowy and Mountain Engineering Corporation (SMEC Mzuzu office) to defraud Millennium Challenge Account (MCA) funds which were meant for compensation of project affected persons (PAPs) at Sonda in Mzuzu.

The Acting Director General of the Anti-Corruption Bureau authorized investigations on 12th December, 2017. The Bureau immediately started investigations which established that the two had connived to defraud Millennium Challenge Account of K19, 738, 167.00 by presenting land for which compensation was already processed as if it was not paid.

On 21st December, 2017, the Anti-Corruption Bureau arrested Mr. Martin Zgambo and Mr. Herbert Mandala. They are likely to be charged with corrupt practices with private person contrary to 26 (2) of the Corrupt Practices Act, giving false information to the Bureau contrary to Section 14 1(a) of the Corrupt Practices Act and counselling other people to obtain money by false pretences and theft contrary to Section 23 and 278 of the Penal Code.

COURT FINDS ELEVEN WITH CASE TO ANSWER IN LILONGWE

On 12th September, 2013, the Anti-Corruption Bureau received a complaint alleging that Government Officers at Capital Hill were making fraudulent entries in the Integrated Financial Management Information System (IFMIS).

The Anti-Corruption Bureau immediately instituted investigations. The Bureau had established that between November 2010 and May 2011, Cornelius Kampamtengo, Yvonne Kaphamtengo, Chikondi Chimutu, Emmanuel Mazalale Yesaya, Deusdedit

Tenthani, Tendai Nayeja, Audrey Kamtengeni, Squire Chakwana, Wides Mbuliro, Tapiwa Ng'oma and Conrad Nambala conspired to defraud Malawi Government of huge sums of money. They were charged with theft, conspiracy to defraud and money laundering.

The Court discharged Justine Nyirenda, Khumbo Arthur Soko and Jimmy Mbuliro. On 28th June, 2017, the Lilongwe High Court found Kaphamtengo and others with a case to answer on all the charges. The case is still in Court for defence.

With Edward Kamvabingu

In the previous edition of this newsletter, I highlighted issues relating to bribery as a form of corruption. In this edition, I will explain the second form of corruption in Malawian context. It should be put clear here that this form of corruption has affected many people knowingly or unknowingly. This form of corruption is called Extortion.

Extortion: is defined as the crime of obtaining something from someone, especially money, by using force, threats or deliberate delay of a service in exchange for official action. The force here can either be explicit like in a case where officers have made it clear and everyone knows that one should bring something if you are to transact any business or implicit where one has to deduce by one self that unless I pay something, I will not be assisted.

The Malawi government loves its citizenry to the extent that it strives to provide goods and services for its people to enjoy them. These goods and services are supposed to be consumed by Malawian citizens either gratuitously, that is free - without paying any price or the government will set or fix prices on other goods and services. The government has employed a lot of people in government departments or agencies. These people can be referred to as service providers. The citizens who use the goods and services can be referred to as service users. Extortion mainly happens during the interaction between service providers and service

users.

Just as there are free goods and services and those that require one to pay a price set by the government, extortion is also twofold.

The first manifestation of extortion is the situation where delegated officers demand money from service users on goods and services provided by the government meant to be enjoyed gratuitously (for free).

Some Malawians up to date do not know that police bail is one of the government services which has to be enjoyed for free. In other scenarios we have heard of people paying to be included on lists of fertilizer subsidy beneficiaries or other relief aid.

The second manifestation of extortion is a situation where the public officials demand additional fees on goods or services that have fixed prices set by government. Obviously, people are aware that there are fees payable for documents like passports, drivers'

license, Certificate of Fitness (COF) and when one is to be connected to water and electricity. Most of the time service providers make unnecessary delays in processing applications in order to force the applicant to pay a bribe which in turn increases the cost of accessing such goods and services. The money demanded in this way makes service users pay more than the price that was fixed by the government. This is what is called extortion.

The major signal of extortion in public institutions is that service users will not be provided with a General Receipt (GR) for the extra money demanded by service providers through extortion. To be prudent service users are requested to ask for the GR on any payment made for public services.

In the next edition of this Newsletter, I will discuss another form of corruption. The most important thing is that when we suspect corruption we should report the perpetrators to the ACB by making phone calls, writing letters or visiting the report centre offices in Lilongwe, Blantyre, Mzuzu and Zomba.

KNOWING ABOUT CORRUPTION-PART 2

DISSECTING THE LEGAL LANGUAGE-Part 5

The importance of witness Co-operation.

By Counsel Imran Whisky Saidi, Principal Prosecutions Officer

In the previous edition we discussed the importance of witnesses for any case that is in the court of law. This time we will discuss the importance of witnesses to cooperate in criminal cases.

As observed earlier, one of the crucial elements that matters most in any prosecution case is the

availability of witnesses. This means that for any such cases to be completed successfully witnesses by any means have to be there. Just to highlight, a witness forms part of evidence that is used to make a case of any nature in a court of law. The absence of which makes the case fall out in any way.

It is on record that there are so many cases that have been discharged or thrown out of the court just because they lacked evidence that would have

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DISSECTING THE LEGAL LANGUAGE

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been submitted by witnesses. One important point to note is that the value and quality of evidence matters, and this means that the more reliable the evidence is, the most likely it helps a case to be concluded successfully.

Nevertheless, to get witnesses has quite often not been an easy exercise. A person can either volunteer by himself to be a witness or sometimes he or she can be identified through investigations.

Another way a witness can be identified is through court itself where it can issue a summon calling any person who it feels is suitable for that exercise. For witnesses to co-operate and be available in the court depends on a number of factors. One of the factors is an assurance that they will may not be harmed after testifying in court. This happens because people often fear to be branded as snitches (those who don't wish others well) if they testify against any person.

What is important at this stage though is to talk about how safe the witnesses are when they are called to testify. Both the Corrupt Practices Act(CPA) and the Criminal Procedure and Evidence Code(CP&EC) protect anybody who is a witness in any matter. Individuals are therefore encouraged brush off their fears and avail themselves as witnesses.

It should also be highlighted that there are a lot of reasons as to why people should be willing to become witnesses when they are called



upon to do so. One of such benefits is that cases regarding those who are committing various crimes such as corruption get concluded sooner than later. Furthermore, people are given an opportunity to help in creating the nation that upholds the values and tenets of rule of law, and promote a society that will generate peace and harmony.

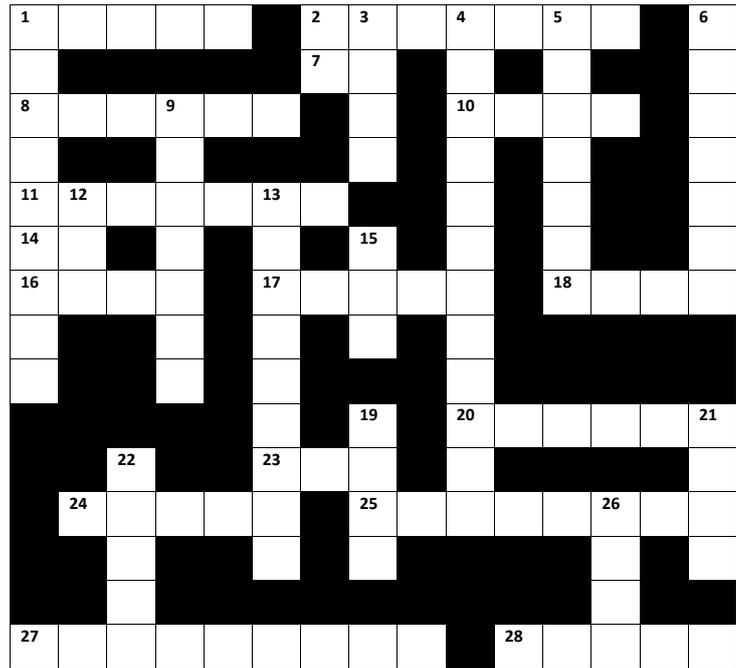
In addition to this, if people accept to be witnesses, the institutions that enforce the law such as the ACB, the Police and others will not spend more money in investigating matters. This will help these agencies to avoid spending money

and enhance their work by doing more than they would if they were facing challenges in pursuing some matters because of lack of witnesses.

Having discussed that witnesses are crucial and important, it is necessary therefore that those citizens should make themselves available to be witnesses in cases where they are called to testify. Citizens should always respond positively when circumstances demand that they become witnesses. BY accepting to be a witness, one is contributing to creation of a just, peaceful and democratic society.

Cross Word Puzzle

Developed by Susan Anjimile Phiri



CLUES

DOWN

- 1 A formal written or spoken statement especially one given in a court of law (9)
- 2 To exist (2)
- 3 A way out (4)
- 4 Theft or misappropriation of funds placed in one's trust (12)
- 5 First letter of a name (7)
- 6 Ask for or try to obtain something from someone (7)
- 9 Obtain money fraudulently (7)
- 12 A system of rules governing a country (3)
- 13 The quality of being honest (9)
- 15 Formerly FIU (3)
- 19 Development agency for UK (4)
- 21 The exchange of a commodity for money (4)
- 22 Compose (5)
- 26 Expressing necessity (4)

ACROSS

- 1 Teach people on corruption (5)
- 2 An advantage or profit gained from something (7)
- 7 Former (2)
- 8 A period of a year (6)
- 10 Temporary release of an accused person (4)
- 11 Forbidden by law, rules or custom (7)
- 14 A higher level University qualification (2)
- 16 Have an obligation to pay or repay (4)
- 17 A formal examination of evidence by a judge / magistrate (5)
- 18 Steal goods from a place (4)
- 20 Moral principles that govern a person's behavior (6)
- 23 International Monetary Fund (3)

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 - 18 Steal goods from a place (4)
 - 20 Moral principles that govern a person's behavior (6)
 - 23 International Monetary Fund (3)
 - 24 Make money by shady or dishonest means (5)
 - 25 Existing or occurring within an Organisation (8)
 - 27 The action of overseeing something (9)
 - 28 An official inspection of an organization's accounts (5)

ANSWERS FOR PREVIOUS PUZZLE

Across: 1. Prevention, 4. Bribe, 6. Opened, 7. Legal, 8. Void, 9. Clubs, 11. Prohibit, 14. Plea, 15. File, 18. Extortion, 19. Fraud
Down: 1 Prosecute, 2. Events, 3. Integrity, 5. Evidence, 10. Benefit, 12. Bail, 13. Trial, 16. Aid, 17. No

Poetry Corner



Corruption is a Vice

By Wales Chigwenembe

(National Coordinator for Activista Youth Network)

Corruption is a vice and it is not Nice
Nice it is when youths lead in the fight
against the vice

Youth exclusion is equal to Death
meeting Life at the point of Birth

Youth participation in the fight against
the vice is just not enough

Fullycipation is the right approach and
word to replace participation

Youth fullycipation is equal to Life
meeting Death at the point of Birth
Youth fullycipation is equal to instilling
high moral values and integrity to the
leaders of today and tomorrow
You cannot teach new tricks to an old
dog so says the adage!!

What Am I That You Are Not?

By Robert Mwenefumbo

What Am I That You Are Not?
Doomed and cursed,
Ethically degraded,
Man hunts another,
Am I not a brother,
A sister, a mother,
A father,
A friend,
Or just a child without sin?

Hooded and armed,
In the night to amputate me from
society,
Do I need not solace in your hugs?

Regard me,
Salute me for I am just human,
Like you.

THE YOUTH OF RUMPHI AND NKHATABAY KICK OUT CORRUPTION

With Andrew Ussi

It was all exciting and entertaining for the youth of Rumpfi and Nkhatabay Districts in the northern part of Malawi as they joined hands with the Anti-Corruption Bureau to fight corruption through a kick and a throw of the ball. Thousands and thousands of sports patrons thronged to both, Rumpfi Police Community ground and Maganga Community Ground in Nkhatabay where two day sports bonanzas for football and netball were organized from 26th to 27th January 2018 and 4th to 5th August 2018 respectively. The aim was to engage the youth so that they should play an active role in the fight against corruption.

In Rumpfi, the teams that participated in football were Rumpfi Medicals, Rumpfi Pirates, Walker Wanderers and Ng'onga United, while ESCOM Sisters, Police Sisters, Ng'onga United, RU2 and Malongo Young Sisters participated in Netball. In Nkhatabay, the teams that participated in football included Nkhatabay United, Chihame, Mkondezi and Mkandira, while Vizara, Kakumbi, Mkondezi and Jungle Sisters participated in Netball.

As the unexpected happens in your comfort zone after committing a corruption offence thinking that the law will not catch you, so it is in the game of football when you underrate underdogs. That is exactly what happened in Rumpfi as the underdogs and youthful side Ng'onga United went away with MK 100, 000 cash prize as Football champions after beating Walker Wanderers 2-1 in the finals. The favorites were Rumpfi Medicals but the gods



Football Commentators, Lugo and Bulira did the commentary in Rumpfi at the same time disseminated anti-corruption information from leaflets.



The Netball Champions, Malongo Sisters taking a photograph with Principal Public Education Officer Agnes Mweta {fourth from left}.

were not on their side as they were beaten by their traditional archrivals Rumpfi Pirates by 2-1 and finished on position four. Walker Wanderers and Rumpfi Pirates each received MK70, 000 and MK30, 000 respectively.

In netball, Malongo Young Sisters emerged overall winners and went away with MK70,000 followed by Police Sisters who received MK40,000 and the third placed RU2 Sisters received MK

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THE YOUTH KICK OUT CORRUPTION

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30,000. A total of MK335, 000 cash prizes were given to the teams in Rumphu while in Nkhatabay a total sum of MK350,000 was dished out to all participating teams. Unlike in Rumphu where the fourth placed teams did not receive anything in Nkhatabay all the teams went home with prizes.

Nkhatabay United emerged the winner in football while Jungle Sisters Sisters won in Netball. These teams went away with MK100,000.00 and MK70,000.00 respectively plus trophie. On second place was Chihame in men's category and Vizara in women's category. These went away with MK50,000.00 and MK45,000.00 respectively. On third position was Mkondezi in soccer and Kakumbi in netball, these teams received a prize of MK30,000.00 and MK20,000.00 respectively. The last teams got a consolation of MK20,000.00 in men's category and MK15,000.00 in women's category.

Sports bonanzas have proven to be good crowd pullers and ideal for reaching out to as many people as possible with anti-corruption messages within a short period.

During half time and other breaks, anti-corruption messages are delivered to the patrons. As of September 2018, The Bureau had organized five youth sports bonanzas in Mchinji, Rumphu, Nkhatabay Mwanza and Balaka. The Rumphu and Nkhatabay Youth Sports Bonanzas were the second and fourth of their kind organized by ACB. The first was done in August 2017 in Mchinji District.



Director of Investigation Mr. Dan Mponda, making opening remarksfor the Bonanza in Nkhatabay



Mrs Charity Mphande(DPE) together with Nkhatabay District Education Manager (DEM) Mr. Mzondi Moyo (in a jacket) greet players of Chihame Stars



Director of Public Education Mrs. Charity Mphande addressing sports patrons before handing over of prizes and trophies in Nkhatabay



Thousands of people watching the Bonanza at Rumphu Police Community Ground



Atsikana a timu ya All Stars (kumanzere) ndi timu ya Ntelo (kumanja) kujambulitsa limodzi

ACHINYAMATA APHUNZITSIDWA ZA KUYIPA KWA ZIPHUPHU KUDZERA M'MASEWERA A MPIRA.

Wolembe: Patrick Thole

NGATI njira imodzi yofikira achinyamata ndi uthenga wa kuyipa kwa mchitidwe wa ziphuphu ndi katangale, bungwe la Anti-Corruption Bureau (ACB) linakonza mpikisano wa masewera a mpira wamanja komanso wamiyendo m' boma la Mwanza pa 16 ndi pa 17 June 2018. Mpikisanowu unachitikira pa bwalo la zamasewera la Mwanza Community Ground. Ma timu a atsikana a Chiwembu, Ntelo, Khudze ndi All Stars ndi womwe anapikisana nawo mumpikisano wa mpira wa manja. Ndipo matimu a anyamata womwe anatenga nawo mbali pa mpikisano wa mpira wa miyendo ndi Prescane, Ntelo, Mwanza Eagles ndi Chiwembu.

Bungwe la ACB linakonza masewerowa pozindikira kuti achinyamata ambiri amakonda masewera a mpira. Kotero linapezelapo mwayi owafikila achinyamata womwe anabwera mwaunyanji ndi uthenga wakuyipa kwa mchitidwe wa ziphuphu ndi katangale. Pali njira zingapo zomwe bungwe la ACB likugwiritsa ntchito

pofikira achinyamata. Achinyamata omwe ali pa sukulu akufikilidwa kudzera mu maphunziro omwe akulu akulu wochokera ku nthambi yophunzitsa ya ACB akuchititsa mu masukulu wosiyanasiyana. Ndipo achinyamata omwe sali pa sukulu kapena omwe anamaliza kale sukulu akuphunzitsidwa kudzera mu uthenga womwe ukufalitsidwa kudzera mu masewera a mpira ngati momwe zinalili ku Mwanza.

Ndi chikhumbokhumboko cha bungwe la ACB kuti uthenga wakuyipa kwa mchitidwe wa ziphuphu ndi katangale ufikile achinyamata onse ndi cholinga choti adzitenga nawo mbali polimbana ndi mchitidwe oyipawu. Pa masewera a mpira omwe anachitika ku Mwanza achinyamata analimbikitsidwa kuti ayambiletu kukhala ndi khalidwe lokhulupilika adakali achichepere kuti akakula nkudzakhala pa maudindo osiyanasiyana asadzachite ziphuphu. Paja mtengo amawongola udakali waung'ono komanso m'mela ndi poyamba. Achinyamata anawuzidwa kuti kusakhulupirika kapena

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Mkulu wa nthambi yophunzitsa ku ACB mayi Charity Mphande kupereka chikho kwa mnyamata wa Prescane.



Atsikana a timu ya Chiwembu yomwe inapambana pa mpikisano wa mpira wamanja

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kupanda ungwiro ndi zina mwa zinthu zomwe zikulimbikitsa mchitidwe wa ziphuphu. Bungwe la ACB linapemphanso achinyamatawa kuti akawona ena akuchita ziphuphu aziwadzudzula komanso kuwaneneza ku bungwe la ACB, chifukwa udindo wolimbana ndi ziphuphu ndi katangale ndi wa

aliyense osati akuluakulu okha.

Pomaliza pa mpikisanowu bungwe la Anti-Corruption Bureau lidapereka chikho ndi ndalama zokwana K70, 000.00 ku timu ya atsikana ya Chiwembu yomwe inapambana pa masewera a mpira wa manja. Timu ya anyamata a Prescane inapatsidwa chikho ndi ndalama zokwana K120, 000.00 chifukwa chokhala akatswiri pa masewera a mpira wa miyendo ku Mwanza.

THE CORRUPT FACE OF MALAWI FOOTBALL



By SHADRECK MPASO
Investigations Officer

BACKGROUND

THE world football governing body, FIFA, lays a lot of emphasis on what it calls “fairplay” in the game of football. Presumably, football is played in a fair, equitable and just manner by players and officials alike. In this view, the sport has the power to teach us important human values including honesty and integrity. However, in December 2015, the world witnessed one of the most disturbing events in football history: FIFA president Sepp Blatter and UEFA president Michel Platini were implicated in a corruption case bordering primarily on the allocation of the 2022 World Cup to Qatar. Besides, a number of cases in different parts of the world have emerged which demonstrate that football is gradually losing its integrity as a fair and equitable game. Football has become very attractive to organized financial crimes including corruption and fraud.

ELEMENTS OF CORRUPTION IN MALAWI FOOTBALL

A number of instances of corruption and fraud can be isolated on the local football scene in recent years. In 2001, the Blantyre Magistrates court convicted a former president of the Football Association of



Sepp Blatter opens the envelope to reveal that Qatar will host the 2022 World Cup

Malawi (FAM), on two counts of corruption. The Anti-Corruption Bureau arrested and charged the former FAM official following a complaint from the South African Broadcasting Corporation (SABC) over the awarding of TV rights to beam the World cup qualifying match between Malawi and South Africa.

In November 2016, Kelvin Moyo, former General Secretary for Nyasa Big Bullets Football club told the media that his club officials had allegedly fixed some matches for the team. The official is quoted as having said that the club’s trustees had assured their technical panel that they had already made arrangements that the match which the team was due to play would end in the team’s favor. It was not clear whether or not the allegations had any basis warranting further investigations and subsequent punitive action for those in the

wrong. However, what was clear was that a serious corruption allegation had been made against football club officials. Those mandated to govern football in Malawi seem to have found minimal if not, no merit in the allegations.

Allegations have also been made on the dishonesty of some high-ranking football officials on dubious financial transactions during sales of match tickets. In April 2016, an official from FAM was implicated in a tickets scandal during a Charity Shield match involving Nyasa Big Bullets and Mighty Beporward Wanderers. A police report which was publicized in the local media alleged that an organized ticket syndicate had been discovered by police investigators. Similarly, those suspected to have committed

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Match officials like these are prone to match fixing

THE CORRUPT FACE OF MALAWI FOOTBALL

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alleged offenses during the transaction could not be held accountable due to reasons that cannot be clearly established.

Recently, the National Referees Association imposed life time bans on each of its four referees who were accused of having pocketed money amounting to K15, 000 from Nchalo Football club in order to influence the outcome of a Carlsberg Cup match against Chitipa United. Subsequently, Nchalo United were penalized by the Football Association of Malawi by deducting three points from the team. Whether the punishment was sufficient or not is besides the point. It is important to note that the present case only points to the existence of corruption and fraud in Malawi football circles.

TRANSPARENCY IS THE KEY

In general the problem of corruption in Malawi football is real and cannot be ignored. Perhaps the most crucial question to be addressed should border on how corruption can be eradicated from the game of football in the country.

It is common knowledge that good governance, be it in the public or private sector, is the pre-condition for checking corruption. Among others, transparency and accountability remain important attributes of good governance in an institution.

The Football Association of Malawi and its affiliates need to take the lead in championing such tenets of good governance in the game. In

November 2015, the Transparency International released a report which listed the Football Association of Malawi amongst the world's least transparent and accountable football associations. This was largely based on lack of information on financial accounts, governing statutes, codes of conduct and annual activity reports. Such lack of transparency is by all means fertile ground for corruption and fraudulent transactions. This is what the Transparency International observes in its 2015 report:

This means rich opportunities for corruption. Yet across the sporting

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CORRUPTION IN FOOTBALL

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sector, most deals and decisions take place behind closed doors. This allows corruption to go unchecked and unpunished.

Initiatives that aim to enhance transparency will contribute to prevent the possibilities for corrupt behaviour. Football authorities in the country need to take a proactive approach towards dealing with corruption in the game. All stakeholders, including referees, managers, players and officials should be sensitized on the detrimental effects of corruption and fraud in football.

Civil rights activist, Billy Mayaya is equally concerned with the lack of accountability at Football Association of Malawi. He is of the view that there is need to demand accountability from the office bearers at the

institution.

“I think there is no area which escapes the principle of accountability. We want to see tangible change at FAM and we want to demand a forensic audit so that we know how funds have been used so far.”

Mayaya’s sentiments could not be far from the truth. Indeed, in his own words it is time to “confront cashgate in football”.

CONCLUSION

The point that football is fast becoming a field for corrupt and fraudulent transactions can not be overemphasized. However, the challenge has been that it is hard to link corruption allegations to concrete evidence that can be used to try and convict the accused in a court of law. It is important to put in place deliberate measures that would help prevent corrupt behavior in the field of football in particular, and sports in general. Similarly, serious efforts should be made towards investigating allegations on corruption in football.

ACB VISION

To attain a corruption-free Malawi.

MISSION STATEMENT

To create a corrupt free Malawi that promotes good governance through corruption eradication programmes for social economic development.

ACB'S CORE VALUES

1. QUALITY SERVICE DELIVERY

We believe in delivering services to our clientele in a prompt, efficient, effective and independent manner through team work.

2. PERSONAL AND PROFESSIONAL CONDUCT

We believe in performing our duties with the highest degree of integrity, honesty, competence, commitment, due diligence and without compromising on confidentiality at all times.

3. CONSTITUTIONAL AND LEGAL PRINCIPLES

We believe in reinforcing and adhering to all constitutional and legal provisions including the principles of public trust, declaration of conflict of interest, transparency, Confidentiality, independence, non-discrimination, Accountability and financial probity.

4. RESPECT FOR HUMAN RIGHTS AND ADHERENCE TO THE RULE OF LAW

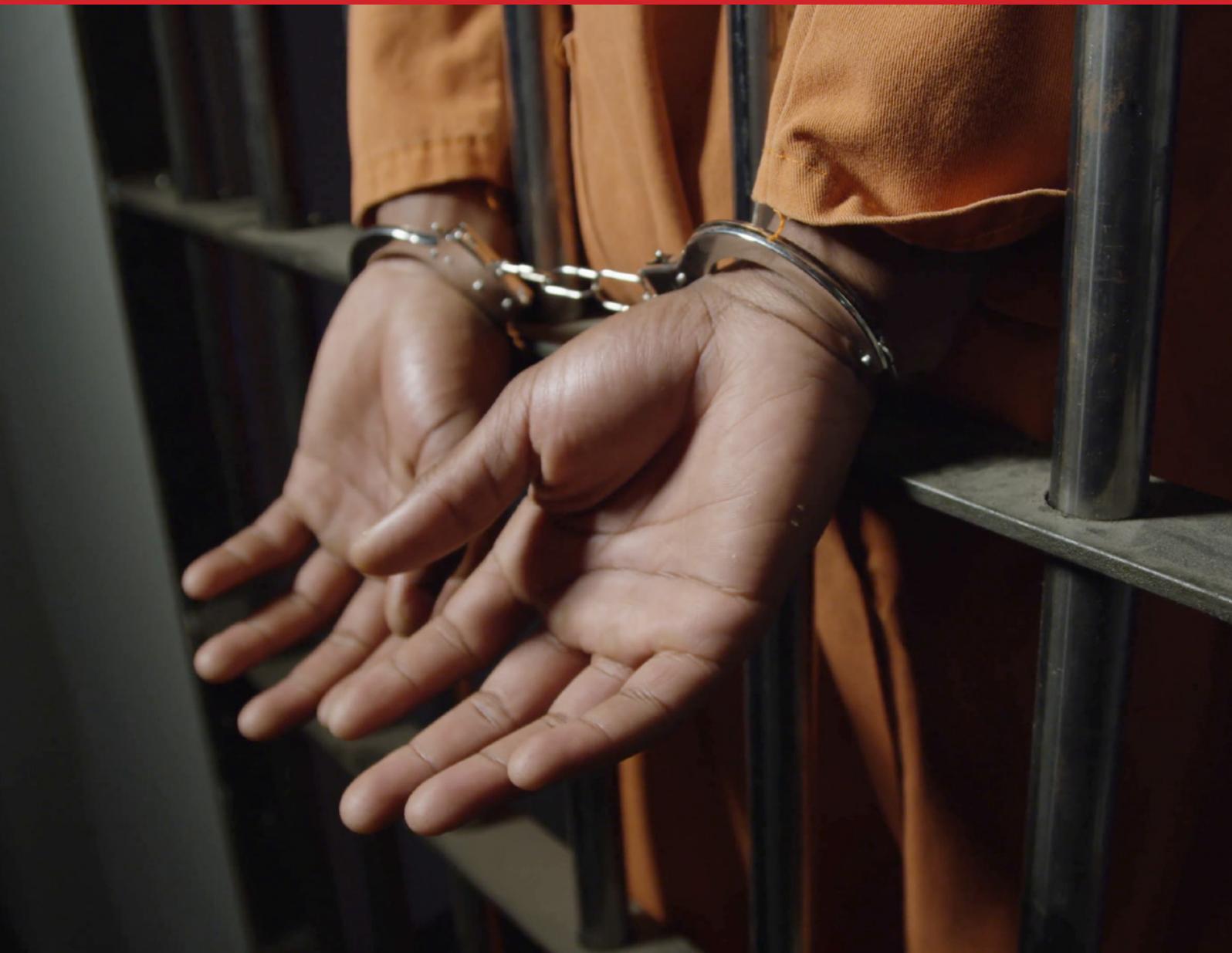
We believe in respecting and upholding Human rights, in the supremacy of the rule of law and that every person is innocent until proven guilty.

5. ADAPTATION

We believe in adapting and responding to changing needs and circumstances.

ACB Anti-Corruption Bureau, Malawi

Pewani ziphuphu zidzakumangitsani



IMBANI:

Lilogwe 01 770 166 | Blantyre 01 824 229 | Mzuzu - 01 311 774 | Zomba - 01 526 770