

The Anti-Corruption Bureau
newsletter



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INTEGRITY

CAN'T REMAIN QUIET – SAYS CHILIMA
AS HE LEADS IAD COMMEMORATION IN MZUZU

EDITORIAL

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Message from the Director General

~Ms. Martha Chizuma~

It is with great honor and gratitude that I present my maiden message to you dear readers through this edition of the newsletter of ACB. I owe it to GOD that I am where I am because of HIM. I believe there is a mission to be accomplished as I serve the people of Malawi in the fight against corruption.

I am aware that you have a lot of expectations from me and that you will not accept any excuses. Alongside your expectations, I also have my vision which will guide my tenure as ACB Director General.

It is my promise to you the people of Malawi that I will do what I can do within my power and the law to serve you and not to disappoint you.

I therefore implore each one of you to be patient and active in the fight against

corruption. Let's join hands. Stop being spectators! Come down from the terraces so that we can fight together against the enemy that is among us that is called corruption.

Corruption is a beast eating away our classroom blocks. Corruption is a beast eating away our roads. Corruption is a beast eating away our drugs in hospitals. Corruption is a beast eating away our children's future.

You cannot just stand and watch this beast destroy the future of our nation. Together we should fight it and rescue Malawi from its jaws. To this end, I wish you a good reading as this newsletter also provides you with the appropriate arsenal with which you can fight the beast.

Enjoy the reading.



FROM THE EDITOR'S DESK

~Andrew Ussi~

Allow me to welcome you dear readers to this 20th edition of this ACB newsletter. Through this edition, the desk is pleased to welcome the new Director General Ms. Martha Chizuma to ACB. Ms. Martha Chizuma has succeeded Mr Rayneck Matemba who is now the Solicitor General and Secretary to the Ministry of Justice. The desk wishes you Madam Chizuma all the best as you continue serving the people of Malawi as ACB Director General after serving the same people as Ombudsman.

It is an honor to work with you. The Editor's desk will benefit a lot from your wisdom and guidance. Dear readers, the year 2021 has been a busy year for the Anti-Corruption Bureau. To promote and strengthen collaboration with other stakeholders, during the year, the ACB signed Memorandum of Understandings (MOUs) with the various institutions such as Malawi Institute of Education (MIE), National Initiative for Civic Education (NICE), Galaxy FM, Pentecostal life FM, Mudziwathu Community Radio station based in Mchinji District and Mzuzu University.

The ACB went a step further in providing space for the youth to meaningfully participate in the fight against corruption. This was done by facilitating the launch of a youth led organization called National Youth Anti-Corruption Network (NYACN) to spearhead the fight against corruption among the youth in Malawi. The launch was presided over by the Minister of Sports and Youth Development Honorable Ulemu Nsungama.

Dear readers you may recall that it was in the same year that ACB welcomed the new Director General Ms Martha Chizuma who assumed office as the first female Director General on 1st June 2021 since the ACB was established in 1995. Barely four weeks later on 30th June 2021, the new Director General presided over a Public Lecture which was organized by ACB and Academic Pillar of the National Anti-Corruption Strategy.

The Topic for the lecture was Understanding the Role of Umunthu in dealing with Corruption. Dear readers it was at this public lecture where Professor Address Malata of Malawi University of Science and

Technology (MUST) proposed that the National Anthem be amended to include 'Corruption' as one of the nation's enemies. Very interesting, Isn't it? On 9th November 2021 the ACB launched a month-long Anti-Corruption Awareness program in Zomba. Esteemed readers, it was exciting and very fulfilling to see various stakeholders joining hands with the Anti-Corruption Bureau in implementing Anti-corruption awareness activities. Some institutions funded production of T-shirts, Golf shirts, banners, and branded notebooks.

Others supported with cash and free space for hanging of banners in Zomba City. Dear readers in the spirit of giving credit where it is due, allow me to recognise the following institutions which demonstrated their kindheartedness and passion for the fight against corruption: Deloitte Malawi, Medical Aid Society of Malawi (MASM), EGENCO, National Bank of Malawi, Standard Bank, Malawi Revenue Authority (MRA), Fattan Printers, Zomba City Council, Zomba District Council, Fraud Fighters Network, Malawi Local Government Finance Committee and all those who supported us in one way or another. During the same period of the Awareness month, the ACB in collaboration with Ministry of Justice organized a National Anti-Corruption Dialogue, from 17th to 18th November, which looked at progress on implementation of National Anti-Corruption

Strategy II and also validated the results of a Scoping Mission by UNDP. On 23rd November the ACB launched a flagship initiative in Mchinji called Anti-Corruption Clinics.

The clinics will enable the general public particularly in rural areas to access services offered by the ACB. During the clinics, the Bureau officers will camp in a district and will be providing civic education services and procurement audits in councils. The Bureau will also be receiving corruption complaints, speedily investigate them and make arrests where necessary ready for prosecution in courts. All this to be done within a period of two to four weeks.

The Bureau concluded the year on a high note with the commemoration of the International Anti-Corruption Day in Mzuzu. The colorful event which was thought provoking through a panel discussion under the theme **Integrity: Key to a Corruption Free Malawi** was presided over by Rt. Honorable the State Vice President Dr. Saulos Klaus Chilima. Finally, you will agree with me dear readers that the 'fishing' that the Bureau has done in 2021 was really successful and appetizing as evidenced by numerous high profile arrests and convictions in the courts of law. The anti-corruption weather forecast for 2022 is very promising.

These are some of the issues this edition has covered. Please don't relent. Read on. Kalikonse Mukaona

INTEGRITY CAN'T REMAIN QUIET

~Dr. Chilima~

By Andrew Ussi

The State Vice President-Dr. Saulos Klaus Chilima has bemoaned alarming corruption levels in the country. Dr. Chilima said this during the commemoration of international anti-corruption day at Grand Palace Hotel in Mzuzu under the theme ***Integrity: Key to a Corruption-Free Malawi.***

Commenting on the theme, DR. Chilima said that people with integrity do not remain silent in the face of corruption. It is within this context that integrity or Umunthu is a very crucial virtue if we as a nation are to attain a Malawi that is free from corruption. For starters, internal integrity would make one to desist from or self-regulate against corrupt acts and misappropriation of public resources. Secondly people with integrity would not remain quite but will speak out when such acts are committed."

Dr. Chilima then reflected on the dangerous effect of corruption to the nation and urged people to report corruption to the ACB as it is the best where to report to. He said "Corruption has the power to rupture a country and its people beyond repair. Corruption has the power to make a government lose its legitimacy over its people.



Vice President Dr. Saulos Klaus Chilima making a statement at the event

However, I also believe it is government's and everyone's wish and appeal that the best and rightful place to go and report corruption is to the ACB" Chilima advised people to avoid labeling others as corrupt for no reasons as it has the potential of damaging Malawi's image on corruption perception levels. Speaking earlier, ACB Director General Ms. Martha Chizuma acknowledged the presence of the Vice President as His Excellency Dr. Lazarus Chakwera's personal commitment in the fight against corruption. Chizuma was against the tendency of avoiding the hurtful truth that ***"Corruption has and continues to kill our fellow Malawians, that corruption has taken away our schools, health centers, roads and so many other public services"***. Chizuma said it is not right to be telling lies about corruption levels in Malawi because we may not get the right interventions. She therefore urged Malawians not to keep quiet about corruption. Everyone should join the fight.

The ACB Director General informed the gathering that the bureau thought of emphasizing on integrity / umunthu as one way of appealing to the moral conscience of Malawians to hate corruption since



Chizuma presenting the NACD Report to Chilima

corruption is motivated by lack of integrity. Chizuma criticized the tendency of governing political parties for sacrificing, at the altar of questionable multi-billion kwacha contracts, public services and goods meant for the people they are governing to unscrupulous business people for kickbacks to fund their parties.

Chizuma noted, due to lack of integrity, public procurement is marred with corruption, lack of integrity is causing corruption in employment, lack of integrity has led to questionable projects in the construction industry, and majority of people have lost confidence in the justice system. She therefore called upon Malawians to embrace integrity/umunthu as this is the

sure way of dealing with corruption, she said people should choose to do right because it is right to do right.

After her speech Chizuma presented a report on the outcomes of the National Anti-Corruption Dialogue (NACD) which took place in Lilongwe from 17th to 18th November 2021.

Before the speeches there were two presentations one focused on progress on implementation of National Anti-Corruption Strategy II and was done by Mr. Jeff Kabondo, Chairperson of National Integrity Committee. The other presentation was on outcomes of the National

Anti-Corruption Dialogue and was done by Patrick Mogha, Coordinator for the implementation of NACS II. At the commemoration, there was also a panel discussion which focused on the theme.

The panelists included Mr. Moses Mkandawire of Church and Society, Mr Chikondi Njaya of National Youth Anti-Corruption Network and Professor Asiyatu Chiweza from University of Malawi, Chancellor College. Joab Frank Chakhanza moderated the one-hour panel discussion.

Other performances included comedy by Club 31 Arts and Entertainment and Malipenga dance By Mwanjawala Dance Group

ASK THE JUDICIARY

~Chizuma~



DG Martha Chizuma addressed the Media in Mzuzu flanked by Director of Corruption Prevention (L) and Director of Public Education (R)

By Andrew Ussi

The Director General of ACB Ms. Martha Chizuma told journalists in Mzuzu to ask the Judiciary as to why corruption cases delay in the courts. Chizuma was speaking during her first press conference in the northern region in Mzuzu. Responding to a question by a journalist who wanted to know why prosecution of some cases by the ACB is taking long to be completed.

Chizuma said beyond investigations the ACB does not have control on the speed of prosecution of cases in court. At the press conference which took place on 7th December 2021 to raise awareness on the anti-corruption parade which was to take place on the following day the 8th December and on the 9th December commemoration of the International Anti-Corruption Day, Chizuma disclosed that the ACB is investigating 1000 plus cases amidst the challenge of having 20 investigators and 15 prosecutors

to handle the cases. She however informed the journalists that ACB was in massive recruitment of new officers to build the human capacity following Government's approval to do so outside the budget.

Chizuma informed the journalists that ACB was making good progress in investigation of cases. She cited an example that within six months she has been at the Bureau, investigations into three big cases involving National Oil Company of Malawi (NOCMA), Malawi Rural Electrification Program (MAREP) and MARKA Bangula Railway line have been commenced and some arrests have been made. She added that before the end of March 2022 investigations into Techno brain contract with Department of Immigration will be completed and the nation will also be updated on investigations into ILOMBA Mining licensing case. Furthermore, Chizuma said the ACB has made good

strides in raising awareness against corruption through the Anti-corruption awareness month which was launched on 9th November in Zomba.

Through the awareness month, Chizuma said, the ACB monitored implementation of Affordable Input Program (AIP) in more than 100 selling points across the country from which 30 investigations were commenced.

Chizuma also informed the journalists that during the awareness month, the Bureau on 20th November 2021 launched an initiative called Anti-Corruption Clinics to bring ACB services closer to the people and ensure anti-corruption justice is served on the people in a speedy manner.



UNITED NATIONS ANTI-CORRUPTION SCOPING MISSION

17th February to 5th March 2021

UNITED NATIONS CONDUCTS ANTI-CORRUPTION SCOPING IN MALAWI

The United Nations office in Malawi set up a scoping mission (comprising UNRCO, UNDP, UNODC) to have a better understanding of the current opportunities and challenges facing national corruption fighting bodies and law enforcement agencies and identify partnership opportunities.

Findings were presented at the National Anti-Corruption Dialogue held from 17 to 18 November 2021 in Lilongwe. The Editors Desk presents to you highlights of the report presented at the National Anti-Corruption Dialogue Ms Sabina Lauber – UN Senior Human Rights Adviser.

The mission met various institutions such as the Ministry of Justice, Malawi Police Service, Malawi Human Rights Commission, Independent Complaints Commission, Financial Intelligence Authority (FIA),

Human Rights Defenders Coalition, Anti-Corruption Bureau (ACB), Office of the Director of Public Officer's Declaration (ODPOD), National Audit Office (NAO), the Attorney General's Office, the Ombudsman, Office of the Chief Justice, Parliament (Committee Chairs) and other Development Partners in the sector

Questions asked:

- (i) What are the strengths and weaknesses of the current legal framework you operate under and its implementation?;
- (ii) How ideal are your institution's internal structures and external linkages with other peer institutions?
- (iii) What is your organization's technical capacity and operational resource situation?

2. MISSION FINDINGS UNDER EACH Question

A) Legal Frameworks

Malawi has a reasonably robust legal framework through the following main laws:

- *Corrupt Practices Act (Amended 2018). The Declaration of Assets, Liabilities and Interests Act, Public Procurement and Disposal of Public Assets Act of 2016, the Financial Crimes Act*

Potential areas where the legal framework might need reviewing or strengthening:

The report cited the following as potential areas where the legal framework might need reviewing namely: Whistle-blower Protection, Witness Protection, Legal and operational independence, Penalties for corruption, Addressing illicit self-enrichment and Admissibility of evidence. The report also pointed out Information and communication technology as an important area where corruption fighting agencies need to ensure relevant data protection legislation and ensure access to to different levels of information that are tailored to the mandate of each anti-corruption agency.

B) Inter-agency linkages

The report noted that In January 2021, the Malawi Government launched its Law Enforcement Coordination Strategy, specifically to facilitate better coordination between law enforcement agencies in the investigation and prosecution of financially related crimes. The stakeholders include the AG's office, the ACB, the MRA, the Reserve Bank of Malawi (RBM) and FIA. There are cases of joint operations i.e. joint investigations and prosecutions, joint audits, joint asset verification exercises; joint operational meetings (ad-hoc and institutionalized). One firm example is ACB conducts prosecutions on behalf of Malawi Revenue Authority (MRA) on



Ms Sabina Lauber – UN Senior Human Rights Adviser presenting the report

cases involving tax fraud. The MRA investigates the cases and passes them on to the ACB for prosecution.

Potential areas where inter-agency linkages might need reviewing or strengthening

- It is rare that Parliament follows up on reports submitted by Law Enforcement Agencies (LEAs) such as ACB and FIA which report to the Legal Affairs Committee; or ODPOD that reports to the Public Appointments Committee.
- Despite the instances of signed MoUs between institutions inter-agency co-operation remains largely adhoc and irregular

- Lack of ICT infrastructure within and between the Agencies and the general digitization of their work processes limit sharing of information and working together.
- A major operational obstacle is the lack of decentralized presence of several key agencies such as ACB which only has four field offices with which to cover 28 Districts
- Civil Society Organisations (CSOs) such as Human Rights Defenders Coalition (HRDC) are playing an increasing role in exposing and making public significant cases of corruption but mostly such CSOs work in isolation.

Pertinent issues and questions that were mentioned by the different arms of the Judiciary that were met by the mission included:

- * How is the Judiciary linked to ACB, Police, financial institutions such as banks, etc?
- * Are all the LEAs and anti-corruption entities on the same page?
- * How do they prioritize cases?
- * How can the Judiciary be restructured to fast-track significant cases of corruption?
- * Does it need a specialized Court?
- * How conversant are the crime fighting institutions on the whole range of corrupt practices?
- * Is Capitol Hill as prepared as the crime fighting agencies in leading the fight on corruption?

C) Operational resource and technical capacity issues

- The current administration has increased resources particularly for ACB and Director of Public Prosecution (DPP) since November 2020, nevertheless, there is a widespread concern that these institutions cannot absorb this increased funding due to a lack of officers on the ground.

- Out of approximately 13,000 officers in Malawi that submit their asset declarations, ODPOD is only able to verify 25% of the declarations due to lack of resources.
- A functional review undertaken inside the Judiciary has led to recruitment drive from 2800 officers up to around 5000 but not yet in line with the increasing amount of cases that the Judiciary is having to process, be it in financial crimes or beyond.
- The Courts themselves also are not fully operational, which has impacted the work of the law enforcement agencies. Furthermore, there is a lack of judges trained in financial crimes.
- The receipt of timely payments from the Accountant General (AG) is a perennial issue. Vouchers from the AG get caught up in bottle necks.
- All LEAs mentioned that there is a lack of investigative personnel along with technical expertise in for example financial crimes which are complex and require advanced skills in

surveillance and monitoring in the detection of fraud or illicit financial flows.

- The absence of a specialized Financial Crimes Court was seen as largely unfortunate and the fact that one is being planned is positive.
- The scoping mission noted repeated requests for institutional support for an increase in well trained staff and ICT upgrades that would move manual operations to digitized work processes for efficiency and security.

As a result of the scoping mission, the following are the UN's priority set of short-term interventions that responded to the findings while also ensuring no overlap with existing support from other development partners:

- 1) Supporting the reviewing and improvement of certain key legal frameworks.
- 2) Supporting the establishment of the future Financial Crimes Court.
- 3) Supporting the operational effectiveness of certain key corruption fighting entities that had not yet been the recipient of significant DP support to date
- 4) Providing some urgent training to judicial and law enforcement staff

MINISTER LAUNCHES NATIONAL YOUTH ANTI-CORRUPTION NETWORK (NYACN)

~Andrew Ussi~



Youth Minister Hon. Ulemu Msungama being welcomed by Principal Secretary Mr. Oliver Kubambe (Left), ACB Deputy Director General, Mr. Elia Bodole (third from left); ACB Director of Public Education, Mrs. Charity Mphande (in front), Ministry Director of Youth and NACS II Desk Officer for the Youth Mr. Andrew Ussi

The Minister of Youth Development and Sports on Tuesday 12th May 2021 launched the first ever youth led grouping, The National Youth Anti-Corruption Network (NYACN) at Golden Peacock Hotel in Lilongwe. Speaking during the event, the Minister said he was delighted to preside over the launch and lauded the youth for being bold enough and coming up with the initiative to fight corruption.

"This is a move in the right direction. It is an indication of how serious the youth have become in tackling corruption in Malawi. The Government of Malawi led by H.E. Dr. Lazarus McCarthy Chakwera takes you the youth seriously as you are the future of this nation. When we talk of attaining a corruption free generation, we are in fact banking on you the youth. We therefore have to support Youth led initiatives such as these in order to fight corruption in Malawi," said Minister Msungama. The Minister then urged the youth to be more active. "I would like to urge you to be youth of more action and less noise."

I would like to echo what the State President Dr. Chakwera advised on 9th December 2020 during the commemoration of the International Anti-Corruption Day at Mount Soche Hotel in Blantyre when he

said 'Talk is Cheap! Be Doers against corruption'.

As his Minister I am also advancing the same message today as we are launching the youth network. It is my hope that you will not be a network on the social media only.

Commenting on what the ACB has done in facilitating the launch of NYACN, the Minister noted that people know the ACB as an organization that arrests and prosecute the corrupt.

"You [ACB] have demonstrated today that the ACB is also into corruption prevention. What these youths will be doing is to prevent corruption. It is always said prevention is better than cure. Malawi will save a lot of resources if we take the prevention approach of fighting corruption. So Bravo ACB! I call upon other stakeholders to come in and support activities of the youth network."



Members of National Youth Anti-Corruption Network celebrating the launch

Speaking during the event, UNDP Resident Coordinator Shigeck Komatsubura also commended the youth by launching the group and pledged UNDP's support towards initiatives that promote good governance in Malawi. Taking his turn to the podium, Deputy Director General Mr. Elia Bodole said he was impressed with how the youth's good organization and preparations for

the launch. Mr Bodole informed the Minister that the role of ACB was to provide technical and financial support and that it has proved that if the youth are given good services, support and opportunities they can thrive.

"This is a clear indication, Hon Minister, that if the youth are given these three things; (1) good services (2) necessary support and

(3) opportunities, they can thrive. These youths will thrive if proper services such as education on anti-corruption matters is provided. These youths will thrive if necessary, support be it technical and financial is given.

I am convinced these youths will thrive if they are given opportunities to learn new things, to show-case their skills and express themselves." Said Bodole.

Bodole further said the launch of this youth network is very critical to the implementation of the National Anti-Corruption Strategy II (NACSII) which has the YOUTH as one of the Pillars. According to NACS II, he said, the youth are mandated to do three things:

1. ***Demand accountability from public servants in service delivery.***
2. ***Raise Awareness on the evils of Corruption and***
3. ***Initiate innovative social accountability activities in the delivery of public services.***

He therefore urged NYACN to ensure the youth pillar is vibrant in implementing the NACS II.

Bodole concluded by appealing to development partners and like minded institutions for financial and technical support to NYACN for it to succeed.

"I would like, however, to call upon development partners to support the National Youth Anti-Corruption Network (NYACN) for it to succeed. I would also like to urge the member organizations to mainstream anti-corruption work in your core activities.

It is my sincere hope that the Ministry of youth and the National Youth Council will play the motherly and fatherly roles by ensuring that the network, which is being officially launched today, will be given the support it requires for it to operate effectively." Bodole appealed.

In his acceptance speech, NYACN National Coordinator, Chikondi Njaya pledged the youth's commitment in the fight against corruption. He further thanked the ACB for initiating that the youth come together in 2018 and decide their future in the fight against corruption which has led to the launch of NYACN.

The function was also graced by Principal Secretary for Youth, Mr. Oliver Kumbambe, Chairperson of National Institutional Integrity Committee (NIC) Mr. Jeff Kabondo, Program Manager for International Center for Asset Recovery (ICAR), ACB officials, the youth and members of the media.

The overall goal of NYACN is to contribute towards the creation

of a corruption free generation by providing a platform where experiences are shared, and actions agreed upon. This goal will be realized through four specific objectives:

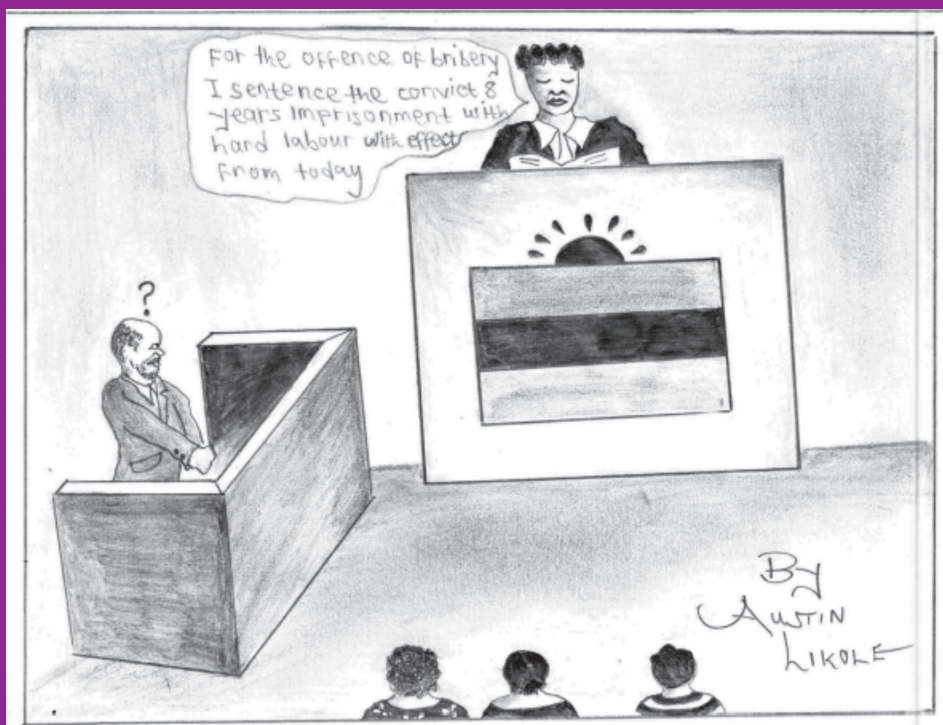
To promote integrity among youths;
To promote youth participation in fighting corruption;

To coordinate anti-corruption initiatives among the youth networks;

To strengthen the linkages between like-minded institutions and the youth.

The idea to have an anti-corruption youth network was hatched in 2018 when the ACB convened a meeting in Dowa for youth representatives from all the districts in Malawi.

CARTOON





Interview with the Director General

~Ms. Martha Chizuma~

Ms. Martha Chizuma is the current Director General of the Anti-Corruption Bureau. She joined the ACB on Tuesday 1st June 2021 and is the first woman to head the graft busting body.

Ms. Martha Chizuma has also been named an Anti-Corruption Champion by the US Government for demonstrating leadership, courage and impact in preventing, exposing, and combating corruption. Andrew Ussi (AU), Editor of ACB Newsletter caught up with the Director General (DG) for an interview. Here are the excerpts of the interview.

AU: Congratulations Madam for the accolade you have received from the Government of the United States of America as one of the Anti-Corruption Champions! How do you feel?

DG: Well, I honestly did not see that one coming and when it did it was such a warm and soothing feeling! I learnt from my days as Ombudsman that doing this job can make you feel isolated, and I have felt that quite a lot since I came here. And it is good to get confirmation and validation of the work we do through this big award. Being one of the twelve across the globe is no mean achievement. Am totally humbled and grateful.

AU: Tell us your background so that readers should know who Martha Chizuma is. Where were you born and How many are you in your family? Tell us more about your career progression

DG: I was born in Nkula Falls as my father worked for ESCOM as a Machine Operator for more than 30 years. I am the 10th born in a family of eleven. Of course, two passed on a decade or so ago. In as far as my career is concerned right from law school, I joined the Judiciary where I held several positions like Senior Resident Magistrate, Assistant Registrar of the High Court and Deputy Chairperson of the Industrial Relations Court.

After 9 years at the Judiciary, I resigned from public service and joined Limbe Leaf Tobacco Company as Legal Counsel where I worked for four or so years before resigning and rejoining public service as Ombudsman of Malawi in 2015. After my first contract and 7 months into my second contract I was appointed as Director General of ACB

AU: You are the first female Director General of ACB. How do you feel to hold such a position which is deemed to be risky and challenging? Are you not scared? Any threats so far?

DG: Its such huge honor and I know how this will set a benchmark on how women who will hold this position in the future will be viewed and, this depends on what I do. It is up to me not to mess up but most importantly to prove it to the world that women can do this job and do it even better in a manner that brings real impact on the ground.

AU: Before you joined the Bureau, you may have had your own perception about the Bureau's performance. May you share what your perception was? Has the perception changed or not?

DG: Well, if you see my career progression you might have noted that I have worked in case/ complaint handling institutions before i.e., Judiciary and Ombudsman. The dynamics that affect performance of these institutions are pretty much the same. The systems within these institutions are sometimes self-frustrating and at the same time, I also know how with a few changes here and there things can improve. That is what I hope to do by building on the efforts of my predecessors.

AU: During your first interface with all ACB officers in Mangochi, you mentioned three key things that will characterize your tenure and strategy at ACB as Director General. Would you mind repeating what you said?

DG: Well, I cannot remember the exact things I said. But if I may recall, I specifically mentioned about the need for proper coordination amongst the staff. I also spoke about the importance of appreciating or indeed recognizing that each one of us regardless of the position held adds value and thirdly which I believe is more important, is to uphold ethics and integrity amongst Bureau staff fully aware that integrity is the greatest weapon we have in this fight.

AU: During the commemoration of International Anti-Corruption Day, you told the nation that the Bureau is undertaking massive recruitments

following, Governments' approval to do so. How significant is the massive recruitments in relation to fulfilling the mandate of ACB? What mechanisms have been put in place to ensure that the resource envelop for the Bureau's operations increase as well to support the officers that will be recruited.

DG: The more the hands we have, means the more the work. This is significant because the Bureau's efficiency will automatically be improved. There is a lot of goodwill towards the Bureau from Government and development partners so we believe that there will be enough resources for the extra staff. In addition, we are working so hard to make sure that from 1st April, 2022 we move to larger office premises to cater for the massive recruitments that have taken place recently.

AU: Recently you have launched, what I may call your flagship concept, the Anti-Corruption Clinics in Mchinji. Can you explain what you intend to achieve? How effective will it be in dealing with corruption? Any sustainability plans?

DG: I do not think it is really flagship, but it is the same things that the Bureau has been doing but done a bit differently in a manner that ensures that the local people in hard to reach areas also access the Bureau Services. Moreover, Anti-Corruption clinics look more at quality than quantity and therefore impact and I hope that through this, we can start having clear trends of corruption in various areas and districts that could later inform the interventions to be enforced. I am so geared up to ensure that this works.

AU: You have presided over your first Anti-corruption awareness month and commemoration of the International Anti-Corruption Day. What is

your assessment on the two? Do you think the ACB has achieved its intended purpose?

DG: Definitely, the purpose was achieved. It was interesting to be part of all this. A good learning point for me. That said there is always room for improvement especially on the awareness month. We need to conduct our activities in an intentional/deliberate manner to address the issues brought to our attention within that space in a more expedited manner.

AU: Now that you have covered over six months as Director General of ACB since June 2021, what is your message? first to Malawians and secondly to development partners who are yet to support ACB based on what you have experienced so far as ACB Director General?

DG: I prefer uncomfortable truths than baseless lies or pretenses. To Malawians, what I can say is that as things are now, the fate of this country depends on how all of us as a country deal with corruption. It is that simple and plain.

- * **Therefore, we all must hold hands in this fight.**
- * **To Development Partners; we need your support.**
- * **For the Bureau to be efficient it needs your support.**

AU: As we conclude, do you have anything else to say?

No. I have said it all

AU: Thank you, DG, for sparing time to grant this interview.

DG: You are welcome.

MINISTER URGES ACB TO CREATE A CONDUCTIVE ENVIRONMENT FOR WOMEN : AS ACB CONSULTS WOMEN ON ANTI-CORRUPTION STRATEGY.

~By Sara Nanthoka Mdumuka and Jonathan Chisale~



Minister of Gender, Community Development and Social Welfare Hon, Patricia Kaliati and ACB Director General Ms. Martha Chizuma took a group photo with the participants

Fighting corruption is a responsibility for all because everyone suffers its effects in one way or the other. Malawi has a road map for incorporating everyone in the fight against corruption, the National Anti-Corruption Strategy (NACS), which is Malawi's blueprint for her aspirations for a corrupt free society.

NACS was designed to promote good governance and improve service delivery through fighting corruption. NACS establishes an integrity system, part of which consists of twelve 12 pillars (groups) which shall implement NACS by conducting various anti-corruption activities under their specific pillars, with technical assistance from ACB. The pillars, before they start implementing their activities, had to be oriented on the Blueprint, and they made action plans on how they will go forward with conducting activities under the NACS. It was on this basis that on 11th August 2021, ACB through Public Education Department

held a Women's Consultative Meeting at Sunbird Capital Hotel in Lilongwe. The aim of the meeting was for ACB and the women from diverse backgrounds and professions to strategize on how best women can be involved in fighting corruption at various levels, situations and environments in the country.

The outcome of the consultative meeting was a four-month action plan, which was to start in September 2021. ACB took the women representatives through the meanings and effects of corruption and how it impacts on women. The ACB then carefully delved into an overview of the NACS with a particular focus on why it is necessary for women to fight corruption and how to do it. In her welcoming remark, ACB Director General Ms. Martha Chizuma urged all women to collaborate and participate in fighting corruption, asserting that women bear the pain of corruption more than men, and that their role is vital if Malawi is to win the fight.

Similar sentiments were echoed by the Guest of Honour, Minister of Gender, Community Development and Social Welfare, Honourable Patricia Kaliati, who added that women suffer the effects of corruption more because they are economically more vulnerable than men and are not able to pay the bribes to access business, government services and other opportunities. The Minister, a charismatic and eloquent speaker on women and children's challenges branded the women participants as "women of substance," and urged the Bureau to empower them with information, so that they can in turn train other women to fight against corruption to ensure that no woman in Malawi is left behind. She further encouraged women to counsel men and boys in their respective communities about corruption since women have the power to shape future citizens. She urged women to report all corruption to ACB and asked ACB to create a conducive environment for them.

In ACB's quest to get input from the women, there was panel discussion which focused on how women can be involved in fighting corruption, and the issues that women observe as setbacks to the fight against corruption. The climax of the meeting was the making of Action Plans by women, who did this in groups, and women from similar sectors were put into same group. ACB's Chief Public Education Officer, Mrs Agnes Mweta and Chairperson for the Women Pillar, Dr. Phoebe Chifungo co-facilitated the group Action Planning. The women discussed and agreed on the sort of activities they will be doing in accordance with NACS II and agreed to come up with a task force team

that will be responsible for following up on how other women are implementing activities under NACS, that include, but not limited to raising awareness on corruption issues and ensuring that women are reporting and resisting corruption. The meeting drew women from different sectors like civil society; media; traditional leaders; faith-based organizations; the academia; The Malawi Defence Force; and Malawi Police Service. Other notable women present were Debora Mbale (founder of Mai Mbambande Women and Girls Empowerment Organization); ACB Directors of Public Education and Corruption Prevention Maseurs Charity Mphande and Mary Phombeya; and MP for Machinga East, Honourable Ester Jolobala (who represented Parliament).

At the meeting, the Minister promised that government will ensure that women and children enjoy their rights, by supporting the fight against corruption through driving the Anti-Corruption Strategy. This was in harmony with an earlier indication by the Principal Secretary for Gender, who had indicated in his remarks that there is need to safeguard resources from loss through corruption and that the Ministry of Gender is willing to partner with ACB to fight against corruption. According to NACS II, women are expected to inculcate ethical and moral values to children, educate and raise awareness on corruption, mobilize people to implement and monitor social accountability initiatives and organize gender sensitive anti-corruption movements in other pillars. The assessment on performance of the pillars is on going and the final verdict will be after the expiry of the NACS II.

ACB – PRIVATE SECTOR ENGAGEMENT: HARNESSING SYNERGIES IN THE FIGHT AGAINST CORRUPTION IN MALAWI

~By Susan Mtuwa Phiri~

Recognised as the engine for economic growth, the importance of the private sector cannot be overemphasised. It is for this reason that the Private Sector is a stand-alone pillar in the National Anti-Corruption Strategy II (NACS II). Against this backdrop, the Bureau engaged the private sector through a Business Symposium that took place on the 28th and 30th September 2021 in Blantyre and Lilongwe respectively.

The symposium which was organised in collaboration with the Malawi Confederation of Chambers of Commerce and Industry (MCCCI) drew participants from an array of private sector

players. Over 150 members attended the two sessions. The overall goal of the symposium was to come up with ways of addressing corruption in the private sector. Speaking at the function in Blantyre, the President of MCCCI Mr. James Chimwaza highlighted that:

'Empirical research on obstacles to doing business in Malawi conducted by MCCCI over a number of years, finds corruption to be one of the top 10 obstacles to doing businesses. In this regard it is imperative to devise ways of dealing with private sector corruption. The MCCCI President further called upon the ACB and patrons to invest in Corruption Prevention in the private sector. He reiterated that:



'Corruption prevention can reduce the likelihood of its occurrence and can contain its corrosive effects. But let us be clear: prevention does not mean only printing posters or running television advertisements about the merit of integrity and the cost of dishonesty. Prevention means putting in place concrete anti-corruption measures and public sector management practices based on the rule of law, transparency, and accountability. In other words, corruption prevention equals (i) a culture of integrity, (ii) waste avoidance, (iii) respect for everybody's rights - the rights of the rich and the poor alike.'

These sentiments were also cemented by all the speakers at the symposium including the Director General of the ACB, Martha Chizuma who called upon patrons in Lilongwe to work in collaboration with

the ACB to deal away with Corruption in the private sector, only then can the country start registering gains. In the same vein, the CEO of MCCCCI Mr. Chancellor Kaferapanjira also urged participants to put in place measures like Business Codes of Ethics, Integrity Pacts and Integrity Committees in their companies to address the problem of corruption.

Other speakers at the symposium included Mr. Jeff Kabondo, The National Integrity Committee Chairperson who made a presentation on Collective Action in fighting corruption; Mr. Elia Bodole, The Deputy Director General of the ACB, who made a presentation on Public – Private sector linkages in procurement; and Mrs. Mary Phombeya, the Director of Corruption Prevention who made a presentation on NACS II and the role of the private sector.



Group photo of participants at the Lilongwe session

Patrons at the symposium agreed to a road map on how the private sector will be dealing with corruption as follows:

- Creation of a "Business Action Against Corruption" initiative in which the private sector will be pulling together in the fight against corruption. The initiative will be hosted by MCCCCI but it will be open to all private sector players. (Modalities of this initiative will be publicised in due course).
- To take an active role in demanding for accountability in high value procurements like construction projects to ensure transparency in the awarding of contracts.
- To establish high level reporting mechanism to check service delivery efficiency; thus, to make sure that public service delivery institutions meet the service standards as stipulated in their client service charters.
- To take an active role in denouncing and reporting corruption whenever they encounter it.

- To establish Institutional Integrity Committees or similar structures within their companies, to champion the fight against corruption from within.
- To appropriate resources to the fight against corruption and increase awareness of the evils of corruption.
- To collaborate with the ACB in advancing the anti-corruption agenda, through signing of Memorandum of Understandings (MoUs) and other similar initiatives to spell out scope of collaboration.

Patrons agreed that corruption is an enemy of development, hence a great need to be dealt away with if the Malawi 2063 vision, whose moto is: "An Inclusively Wealthy and Self- reliant Nation" is to be attained. Private sector being an engine of economic growth, it is a positive stride to see it committed to the fight against corruption. For this reason, the theme of the symposium was relevant for the time we are in, Harnessing synergies in the fight against corruption in Malawi. Without various sectors coming together, the fight against corruption cannot be won.



ACB signs MoU with Malawi Institute of Education, NICE Trust and Radio Stations

~By Catherine Nkhoma~

9th March 2021 was a special day for Anti-Corruption Bureau (ACB), as it solidified its partnership with stakeholders in the anti-corruption fight. This was in line with National Anti-Corruption Strategy (NACS) which calls for every Malawian to join the fight against corruption. The ACB Strategic Plan also advocates for collaboration with other institutions through formation of partnerships. It is against this background that ACB through its Public Education Department (PED) on 9th March, signed five (5) MoUs with Malawi Institute of Education (MIE), National Initiative for Civic Education (NICE) Trust, Galaxy FM, Pentecostal Life FM and Mudziwathu Community Radio station from Mchinji District.

The ACB believes in the youth for a better Malawi. ACB engaged MIE on how corruption content can fully be included in both primary and secondary school curricula to promote behaviour change among the youth. The MOU signified the beginning of such a journey. NICE is a strategic partner for ACB due to its presence in all the districts across Malawi through its resource centers and civic education volunteers. The ACB saw it necessary to renew the pact with NICE after it had expired.



A group photo at the signing ceremony led by ACB Deputy Director General, Elia Bodole in gray suit (5th from right).

In an effort to reach out to all people with anti-corruption messages regardless of status, the ACB partnered with the Radio stations as their power cannot be overemphasized. Mudziwathu Community radio has a listenership of the whole Mchinji District and the neighboring districts. Galaxy FM with a special target of the young urban people, has national coverage. Pentecostal Life FM has wider listenership of people around Lilongwe City and surrounding areas.



VOICES FROM CITIZENS

~With Jonathan Chisale, Senior Public Education Officer~

One of the guiding principles of the National Anti-Corruption Strategy is inclusivity, which is about promoting the participation of everyone, including the voiceless, the vulnerable and marginalised in the fight against corruption. The Public Education Section of the Bureau rallies all to participate in fighting corruption through its activities, which include, but not limited to public rallies; Training of

Trainers (TOT) workshops; sports bonanzas; motivational talks; community awareness workshops, among others. Through such and other activities, the Bureau interacts with citizens, who also give their views and concerns regarding corruption issues.

Ann Huddock, writing in Devex Online Magazine commented that when people raise their voices around the issues they care about,

including health services, and education, they insist on greater responsiveness from the government that is meant to serve them. ACB, therefore, uses the feedback from the people to improve on its programs, but also on people's behalf, relay the message to concerned stakeholders for their action on the issues raised. Here are some of the voices from citizens: To begin with, participants during a training for Ntchisi

District Council officials in March 2021 requested ACB to be conducting tailor made programs to target specific group of professionals in Local Councils. They voiced out that ACB should prioritize procurement officers in such initiatives. ACB welcomes this, and is even pleased to inform Malawians that it already started moving in the said direction several years ago.

To add some voice, ACB volunteers at Kasakula in Ntchisi lamented proliferation of child marriages due to corrupt police officers and traditional leaders who receive bribes to cover the men perpetrators. They added that because of this trend, even cases involving raping of girls and women are poorly judged in favour of the male perpetrators, who bribe the system and go scot-free with their bad behaviour. This voice was made during the training of Kasakula ACB Club, organized by ACB on 30th April 2021. ACB is pleading with chiefs to avoid engaging in corruption because they are custodians of culture, who must lead in influencing a corruption free culture.

The Kasakula volunteers were louder, when they alleged that some female community members in Ntchisi engage in corruption by exchanging their bodies for favours in community programs. They alleged that some women in the community give sex to public officials and chiefs for them to jump queues at ADMARC or Affordable Input Program (AIP) service centres or be listed as beneficiaries in some government programs. ACB is encouraging people to report perpetrators of the vices to relevant authorities, including ACB.

Adding further, during sensitization meeting on National Anti-Corruption Strategy for Members of Parliament (MP's) organized by ACB on 16th June 2021, the MP's unanimously alleged and expressed concern that the 1% fund to Institutional Integrity Committees (IICs), meant for anti-corruption activities is abused in Councils. The MPs asked ACB and other relevant authorities to be auditing these funds to IICs in Councils. The MPs further expressed doubt on the functionality and effectiveness of the IICs in curbing corruption in Councils. The Bureau is encouraging Council officials to take heed of the concerns and improve. ACB further advises IIC members to make sure they do their work and avoid being involved in the abuse of public funds and other corrupt practices themselves.

The MP's further alleged that grassroots people are more corrupt than public officials and other groups. However, the irony of this is that the grassroot people are always pointing fingers at MPs and other public officers as being perpetrators of corruption.

ACB encourages citizens to exercise their fundamental rights and hold government officials, including MP's to account for their work. People should channel critical information about (poor) service delivery to relevant authorities for remedial action, so that investments in health, education and other services are well placed, as is encouraged by Ann Huddock in Devex Online.

Ward Councillors from Lilongwe City lamented that the City Council hides information from Ward Development Committee (WDC) members, which renders them useless in social accountability and facilitation of development. (WDCs are Area Development Committees in urban areas). This voice came out during one ACB meeting in September 2020, where ACB invited the WDC members to empower them with knowledge to conduct social accountability in community projects. The participants complained that the Lilongwe City Council does not invite them for briefing on new projects, and that sometimes the Council just brings a project to a ward without informing and consulting the WDC, and that whenever WDC members inquire for more information, the Council just withdraws the project from the area. ACB is encouraging all Councils to listen to people's needs and share information to people according to Section 42 of Local Government Act.

The Bureau is advising all public officials to listen to and collaborate with the people they serve to bring meaningful development, which is the people's right. People also have the right to demand transparency and accountability from them to prevent corruption in public projects. Amer Lashin, blogging for worldbank.org commented that "corruption has undermined the rights of citizens, and they cannot afford to wait any longer to reclaim them."

Similarly, in other areas, people complain that Councilors do not conduct community meetings with them to get their feedback to the council or communicate developments from the council to the grassroots people. ACB is therefore encouraging Councils to ensure that people have project information to help them conduct social accountability to identify and prevent corruption.

In conclusion, worldbank.org recommends that ordinary citizens should have a way of providing input to the development process, and their opinions should not only be listened to, but also be respected and acted upon.

Report the corrupt to ACB through [113 \(toll-free\)](tel:113), or anti-corruption@acbmw.org.



INSTITUTIONAL INTEGRITY COMMITTEES (IICs) CORNER

~Katoto Mtambo – Principal Corruption Prevention Officer~

Handling Corruption Complaints-Part 2

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 II, a policy document that was developed to provide a holistic approach to the fight against corruption. In the last issue we looked at the first steps involved in handling corruption complaints. In this issue, we continue to look at the process involved in an investigation of a corruption complaint.

The first step involved in an investigation of a corruption case is to ask for a written authorization of

an investigation by the Controlling Officer of an institution. Of course, the persons charged with the responsibility of authorizing an investigation as well as investigators are required to sign an oath of secrecy and conflict of interest declaration forms. In addition, they need to ensure that whistle blowers are protected from any kind of victimisation or any kind of punishment from other persons. The second step involves selection of an investigation team.

The IIC is mandated to investigate all corruption cases in an institution. However, there may be cases where some IIC members are subjects of investigations.

In those cases, other people can be incorporated in the team. In other cases, other people other than the IIC members may also be included because of their expertise in the area of investigation.

The third step involves the development of an investigation plan. The investigation plan first lists or identifies the potential witnesses. The first witness is the complainant if s/he is known. If the complainant is anonymous, the content of the complaint reveals the person who is to be interviewed first. The first interview will determine the sequence of other people to be interviewed. The investigation plan also determines documents

required for analysis to prove or disprove the case. The investigation plan also lists the resources that are required to conduct a thorough investigation of the case. Resources include finances, stationery, time and personnel. After identifying witnesses, documents and resources, the last part of the investigation plan is to identify potential suspects. The suspects, however, can be identified at any stage of an investigation.

The fourth step in an investigation is implementation. The implementation starts by collecting as much information as possible from the complainant to understand the case fully. If it starts with internal audit reports or any other reports, examine the reports as much as possible. Next, examine any other relevant documents, exhibits or scenes. Documents may be reviewed throughout the investigation process.

At the beginning, the review of documents helps to understand some procedures or the case in general, and in the course of investigations they help in giving clues as to what might have happened. Next, interview relevant people. Both witnesses and suspects are thoroughly interviewed to generate as much information as possible on the reported case. The fifth step of an investigation is analysis of the information gathered from documents, witnesses, exhibits, and suspects.

The analysis involves breaking the information into manageable pieces, linking the information, and making a story line or chronological order of events in the case at hand. The analysis also helps to identify the offences committed contrary to the law or policies, or offences not committed contrary to the allegation(s). The final step of an

investigation is writing a report. The investigation report normally has the title and five sections namely; introduction, methodology, results, findings and recommendations. It is important to note that this article is not exhaustive for there are several other important details to know on complaints handling and investigation.

The sourcebook for members of institutional integrity committees on these matters is the "Complaints Handling and Investigation skills manual for IICs which can be sourced from the Anti-Corruption Bureau. In the next issue we shall start looking at procurement monitoring which is another important role of institutional integrity committees.

Thank you for reading.

CAN THE YOUTH HELP MALAWI BECOME A CORRUPTION FREE NATION?

~ A REFLECTION BY SARAH MDUMUKA NANTHOKA ~

The Anti-Corruption Bureau conducts anti-corruption motivational talks for young people in different schools across Malawi. Between October 2021 to December 2021 the Bureau gave out thirty-four (34) anti-corruption motivational talks to the youth.

Motivational talks are one of the tools ACB through its Public Education Section uses to solicit public support in the fight against corruption and to promote a culture of integrity among the youth. Youths both in school and out of school are targeted through the anti-corruption motivational talks.

Youths from the following Districts were targeted: Chikwawa, Neno, Zomba, Lilongwe, Mzimba and Chitipa. A total of 6,270 youths were reached. The sessions were facilitated by Public Education Officers from the Bureau.

The officers took the youths through issues of ethics, integrity and corruption. It was emphasized that ACB is just the driver of ending corruption and young people together with everyone else in Malawi are the passengers on board to reach to the destination. ACB needs all citizens on board to participate actively.

The question is how do young people help fight the corruption virus in Malawi? Simple!! The National Anti-Corruption Strategy urges young people to demand accountability from duty bearers, raise awareness on corruption and monitor delivery of public services.

The youth are therefore called upon to report corruption at all costs and have a changed mind-set of not tolerating corrupt practices such as bribery,

extortion, sextortion and abuse of official power just to mention a few.

The youth should be truthful and raise a voice against injustices. The officers emphasized that ACB doors are always open for reporting and that all issues are treated with confidentiality. The Toll Free line 113 was shared in all schools to promote a culture of reporting corruption.



Jessie Mhone Mwale engaging students at Chiradzulu Community Day Secondary School



THE ROAD TO MPINGANJIRA'S CONVICTION & SENTENCING TO NINE YEARS

~ By Gift Chisusu Mhone & Andrew Ussi ~



10th September 2021 was a gloomy day for Thomson Frank Mpinganjira as it was a day when his attempted bribery case was concluded by being convicted.

For starters, on 22nd January 2020, the Anti-Corruption Bureau arrested business tycoon who was then also CEO of FDH Bank Dr. Thom Mpinganjira for allegedly attempting to bribe High Court judges presiding over the historical 2019 Presidential elections case.

Thomson Frank Mpinganjira has been charged with six (6) counts of offence under the Corrupt Practices Act. The charges arose from events surrounding the trial of the case of *Dr. Saulos Klaus Chilima and Dr. Lazarus McCarthy Chakwera -v- Professor Arthur Peter Mutharika and Electoral Commission* Constitutional Reference Number 1 of 2019 (unreported), which was heard by a panel of five (5) High Court Judges.

During the conduct of the trial, it was exposed that the accused person had sought to influence the outcome of the Elections Case. It is alleged that Mpinganjira between 1st October, 2019, and 30th November 2019 had offered substantial sums of money to Justice Michael Atananzio Tembo, for the benefit of the said five (5) presiding Judges Justice Michael Atananzio Tembo and Justices Healey Potani, Ivy Kamanga,

Dingiswayo Madise and Prof. Redson Kapindu, to decide the case in favour of the then incumbent president Professor Peter Arthur Mutharika.

He was arrested and charged with six (6) counts of offence under the Corrupt Practices Act

1. The first count is Offering an advantage to a public officer, contrary to section 24 (2) of the Corrupt Practices Act.
2. In the alternative to first count, the second count is Attempting to induce a public officer to perform functions corruptly, contrary to section 25A (2) of the Corrupt Practices Act.
3. In the alternative to the second count, the third count is Attempting to induce a public officer to abuse his public office, contrary to section 25B (2) of the Corrupt Practices Act.
4. The fourth count is Offering an advantage to a public officer, contrary to

section 24 (2) of the Corrupt Practices Act.

5. In the alternative to the fourth count, the fifth count is Attempting to induce a public officer to perform functions corruptly, contrary to section 25A (2) of the Corrupt Practices Act.
6. In the alternative to the fifth count, the sixth count is Attempting to induce a public officer to abuse his public office, contrary to section 25B (2) of the Corrupt Practices Act.

Mpinganjira however denied all the six counts of offence, and a plea of not guilty was entered in respect to each one of the counts. Before trial begun, Mpinganjira made an application under section 252A of the Criminal Procedure and Evidence Code (CP&EC) to enter into a plea-bargaining process.

The Court allowed the plea bargain process. At the end of the process, the Defence and the State had made their position known and the plea-bargaining process had been concluded. However, Mpinganjira had sought

more time to make his own consultations before accepting or rejecting the State's offer. The Court denied the application to extend the plea-bargaining period because the consultations were not necessary as the bargain was between the accused person and the State, not any other third parties.

Before entering his defence, Mpinganjira made an application that the presiding Judge Dorothy DeGabriele should recuse herself on allegations of impropriety. He alleged that the judge, through Justice Kalembera and a person named Tim Zambezi was either demanding to receive, or intended to receive, or promised to receive the sum of '200' for purposes of the judge deciding in favour of the accused person.

The Judge made a ruling that she would not recuse herself. Mpinganjira appealed against the ruling and sought to have the proceedings before the Court be stayed. The Supreme Court declined to order the stay of the proceedings and ordered that Judge Dorothy DeGabriel should continue to hear the matter.

After full trial which was characterised by several applications and appeals by the defence, the court found Mpinganjira guilty as charged under Count 1 and Count 4, for corruptly offering an advantage to Justice Tembo and Justice Potani, who were public officers for the benefit of the other judges namely, Justice Ivy Chatha Kamanga, Justice Dingiswayo Madise and Justice Redson Kapindu, as an inducement that the judges decide the Constitutional reference Case Number 1 of 2019 in favour of the Respondents.

Mpinganjira was convicted accordingly. The other counts which were in the alternative, 2nd Count, 3rd Count, 5th Count, and 6th Count therefore fell away. Mpinganjira's bail was immediately



Former ACB Director General, Mr. Reyneck Matemba and his legal team (Victor Chiwala and C Harawa) granting interview outside the court soon after Mpinganjira's conviction.

revoked and was remanded to Chichiri Prison pending sentencing.

MPINGANJIRA'S PLEA MITIGATION SUBMISSIONS

Mpinganjira then presented a litany of submission for mitigation as factors for the Judge to consider for non custodial sentencing.

The following are the reasons he presented for consideration.

1. That he is a first offender, a man of good character, and that he is upright and advanced in age (60 years).
2. That he has social responsibilities such as building and supporting churches. He supports Seventh day, mission and Government referral hospitals.
3. That he is a family man, widower who is looked after by his children and grandchildren.
4. That he has many employees who will suffer together with their families if committed to prison.
5. That he has a charitable organisation Thomson and Babra Foundation and requires to travel in order to raise funds for its operations. The foundation also supports a project on cervical cancer which benefits many women. He also assists MAP and College of Health Sciences on Covid-19 interventions.
6. That he sponsors the oldest football club, Mighty Wanderers.
7. That he is ill and needs frequent medical attention which may not be easy in prison.
8. That he has been cooperating throughout the trial.
9. That he has demonstrated remorse as evidenced by his reporting to ACB and Police attempts made to corrupt him.
10. That in view of his status in society, his arrest is in itself a great punishment such that his businesses have severely suffered.

11. That the outcome of election case (Constitutional Reference case Number 1 of 2019) was not affected by his conduct and actions.
12. The court should consider non-custodial sentence because sentences for the offence he was convicted of are not fixed by law and have no minimum sentences.

THE STATE'S RESPONSE ON MPINGANJIRA'S PLEA IN MITIGATION SUBMISSIONS

In response to the mitigation, the state responded as follows:

1. Its not true that he is an upright man if you are to consider the seriousness of the offences he committed. As a 60 year old man he should have been aware of the consequences of offending in such a manner.
2. On being a family man, on his businesses suffering and supporting less privileged people the state said the convict should have known this before committing the offences.
3. The state agreed that his actions did not affect the outcome of the elections case and this is because the judges refused to be bribed. However, the state argued, if Mpinganjira had succeeded in bribing and influencing the outcome of the case there could be blood bath in Malawi in view of the tension that was there when the case was being heard.
4. The state further argued that the offence is very serious and could have turned the country into turmoil.
5. On his status in society the state said Mpinganjira wanted to use his money and power. So the court should let him to be a reminder to others that money and power cannot get you anywhere.
6. On his being remorseful, the state said it was imaginary remorse and reminded the court that there were machinations to defeat the course of justice for example:
 - (a) *Mpinganjira at one point obtained bail at night*
 - (b) *Had applied for judicial review at the High Court Civil Division when the case was before another judge. Made several applications in the supreme court and the court handling the case.*
 - (c) *Mpinganjira had accused the presiding Judge and Justice Kalembura and other serving Judges of the high court of being compromised.*
 - (d) *Mpinganjira had applied for plea bargain a process which failed due to his own actions*

7. On his businesses suffering, Mpinganjira is no longer the CEO of FDH Bank and his son is managing the business. The state further argued that the Trust has trustees who manage its operations. Both the Bank and the Trust have been operating without him managing directly. So no employee will lose his or her job.
8. On sponsoring Wanderers football club, the state observed that it was an afterthought decision as he has been involved with the team for two months probably after he saw the direction of the case.
9. On medical condition, the state noted Mpinganjira had not furnished the court with a medical report for his condition.
10. Pleaded not guilty and therefore wasted the courts time and resources for the state.
11. Non custodial sentence is not applicable to the case of this nature according to offences under Part IV the Corrupt Practices Act. The sentence is fixed by law under Section 34 which prescribes 12 years.
12. The state then concluded by praying to the court to invoke custodial sentence.



THE COURT'S DECISION.

On 5th October 2021 Mpinganjira was sentenced to 9 years imprisonment. The Judge quoting Chief Justice Skinner on maximum sentences in the case of **Kamil & Yaghi vs. Republic [1973-74] 7MLR 169** said

"I bear in mind that they are men of previous good character, but people who do desperate things like this are likely to do it again, and the public must also be protected from others who may be tempted to emulate their example".

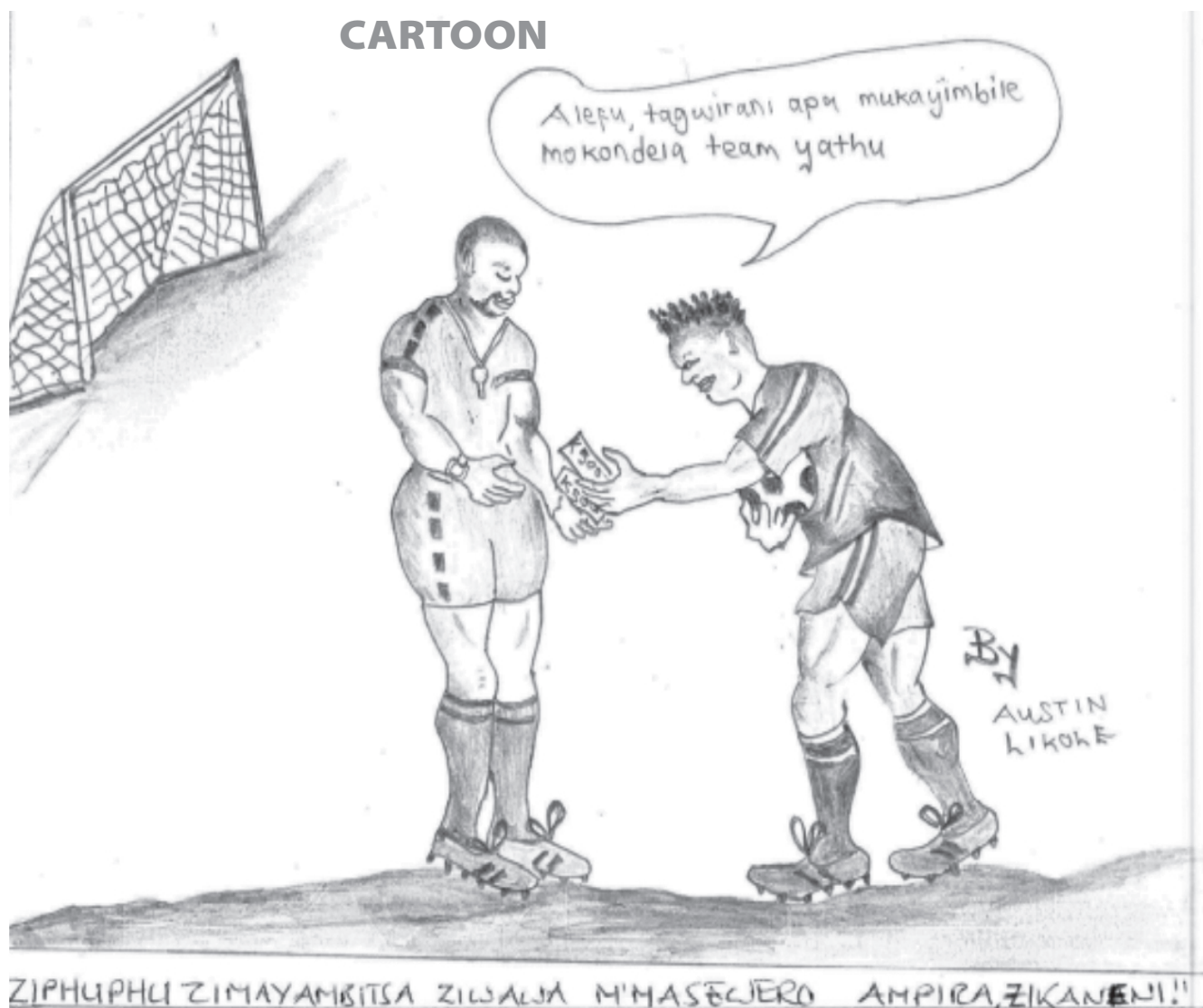
The Judge, subscribing to the words of Chief Justice Skinner, observed that Mpinganjira's actions showed a desperate streak, coupled with impunity and use of power, influence and wealth and that the likelihood of doing the same again is high such that the public and society needs to be protected. She further said the actions of Mpinganjira **'were calculated and were**

brazenly and arrogantly executed'.

The Judge observed that the seriousness of the crime committed outweighs the mitigating factors presented by Mpinganjira. The Judge therefore meted out a custodial sentence of 9 years imprisonment with hard labour on **1st count and 9 years** imprisonment with hard labour on 4th count.

The sentences began running concurrently with effect from the date of conviction, 10th September 2021. This was a landmark ruling and state lawyers led by Mr. Reyneck Matemba, former ACB Director General told journalists that both the state and the people of Malawi have prevailed.

CARTOON



THE YOUTH PILLAR HAS NEW NIC MEMBER



In the picture Ms. Rabecca Hami is with Youth Desk Officer, Mr. Andrew Ussi (Left) and NYACN Geneneral Secretary Titus Linzie (Right) after meeting for the first time at BICC in Lilongwe

The National Anti-Corruption Strategy has 12 pillars and each pillar is represented in the National Integrity Committee (NIC) by individuals appointed by the President of the Republic of Malawi.

The current NIC members were commissioned on 9th December 2020. Rabecca Hammi was appointed in October 2021. Hami replaced Mr. Charles Kajoloweka who had gone for further studies abroad.

The 26years old Rabecca Hammi is Founder and Executive Director of Angathe Charitable Foundation and is based in Lilongwe.

She is a holder of a Bachelors'of Arts Degree in Mass Communication and currently is studying for a

Masters Degree in Business Administration. Rabecca has vast work experience dating back from 2016 as she has held various portfolios.

She has been a Change Maker for Youth Wave Malawi, Public Relations and Programs Assistant for Link Community Development Malawi.

Rabecca is a Marketer. She has worked for UNICAF University as Marketing Officer and as Communications Officer for both ACTION AID Malawi and European Union Solar Funded Project. Apart from being a teacher at ABC Christian Academy, Rabecca is a trained Radio and TV Presenter. The Likuni Girls Secondary School Alumni as she is, Rabecca is also a Graphic Designer, a skill which is relevant for messaging.

Below is the full list of National Integrity Committee Members

S/N	NAME	PILLAR
1	Dr. Janet Banda	Executive
2	Justice Chirwa	Judiciary
3	Ms. Fiona Kalembe	Legislature
4	Mr. Jeff Kabondo	Civil Society
5	Bishop Kalembe	Faith Based (Christianity)
6	Alhaj Twaibu Lawe	Faith Based (Islam)
7	Mr. Harold Mkandawire	Local Government-MALGA
8	Snr Chief Chikumbu	Traditional Leaders
9	Dr. Edster Jamu	Academia
10	Mr. Chancellor Kafera Panjira	Private Sector
11	Ms. Rabbecca Hami	Youth
12	Dr. Phoebe Chifungo	Women
13	Ms. Edith Kambala	Media

THE TOP FIVE THROUGH BLANTYRE OFFICE

~By Heinrich Dziyemba, Assistant Report Center Officer~

Complaints handling is one of the important processes at the report center of the Anti-Corruption Bureau (ACB) which ensures the ACB is responsive to complainants. Officers at the report center act with sensitivity and great sense of impartiality. ACB receives complaints from people of diverse backgrounds. The complaints are directed, among others, against individuals; junior and senior government officers; International Organizations; the judiciary; the police; private companies; Immigration Department; Lands Department; Ministry of Health; Ministry of Education; Ministry of Agriculture; and statutory corporations.

Which are the top five complained against institutions?

Statistics from 2013 to 2020 indicate that most complaints received at Blantyre Report Centre were against individuals and various organizations in the public sector and the private sector. For instance, in 2013, a total of 114 complaints were registered against traditional leaders; 90 against private companies; 105 against Malawi Police; 62 against the Judiciary; 96 against individuals; 14 against ADMARC; and 12 against lawyers or legal firms.

No	Institution	No. of Complaints
1	Traditional Leaders	114
2	Malawi Police Service	105
3	Individuals	96
4	Private Companies	90
5	Judiciary	62
6	ADMARC	14
7	Lawyers/ Legal firms	12

Source: ACB Blantyre Report Center

While in the English Premier League clubs such as Manchester United, Liverpool, Arsenal, Chelsea, Manchester City and Tottenham Hotspurs dominate the top list at the end of every season because of their consistent performance and financial muscle, rankings of top five institutions compiled by the report centre is based on complaints registered against them.

As such, individuals; traditional leaders; Malawi Police; the Judiciary; private companies; and ESCOM are rarely dislodged from the top five list by other institutions.

Nature of complaints reported

Complaints registered are mostly in the following areas

- a) against public officers procuring goods fraudulently at inflated prices, colluding to defraud government and flouting procurement procedures.
- b) public officers failing to account for public funds spent on supplies.
- c) traditional leaders demanding bribes in order to pass rulings on land disputes in favour of a party giving a bribe.
- d) traditional leaders grabbing customary land from bona fide occupants and selling it to other persons in exchange for bribes.
- e) traditional leaders receiving bribes in order to install persons as village heads.
- f) police officers receiving bribes in order to release suspects from custody.
- g) lawyers and law firms failing to disburse to claimants' compensations received from insurance firms.
- h) court clerks demanding and receiving bribes from clients in order to cause court files miss from registries; and
- i) medical workers soliciting between K 20 000 and K 100 000 from patients or guardians to provide a service which is supposed to be provided for free.

These are some examples, but the list is not exhaustive. Most of the reported corrupt practices border on abuse of office; and negligent of duty by public officers. The abuse is due to lack of accountability and

good governance. It seems those in position of authority deliberately and intentionally perpetuate those sorts of corruption not because they do not receive remuneration from the jobs they do but on an account that they are corrupt, greedy and self-serving.

Reasons people do not report corruption

However, over the years the number of people reporting complaints has slowly decreased. The Anti-Corruption Bureau Annual Report for the year 2019–2020 has documented the trend, stating in part, as noted in the National Anti-Corruption Strateg II, that there is an entrenchment of norms that either accept the existence of corrupt practice or fail to condemn it. From the perspective of Blantyre Report Centre, there are four reasons as to why people do not report corruption.

The first reason is that people believe it they will not benefit, or it is a waste of time if they report corruption. Concerted efforts are therefore needed to report corruption.

The second reason is that people assert that it is not worth the trouble. This can be countered by making the process of lodging complaints much easier through the provision various complaint reporting channels, as exemplified in the re-introduction of the toll-free line, 113 by the ACB.

The third one is that some people do not know where to complain. For example, people would report a police officer who has received a bribe from them to release a relative from custody to a police officer-in-charge. Due to a culture of secrecy existing among police officers, there is little chance of a police officer being disciplined for the misconduct. However, the 2019-2020 ACB Annual Report reveals that many people prefer to

go in person and report to ACB's Regional Offices situated in Mzuzu, Lilongwe, Blantyre and Zomba as compared to reporting through letters, emails, newspapers, and telephone calls. Apart from these methods of reporting, WhatsApp as indicated in the previous edition of this newsletter has proved to be an easy tool of reporting corruption and other related financial crimes.

The last reason is fear of retribution. Whiting (2019) in World Economic Forum put it that two-thirds of people surveyed in Kenya, Malawi, Nigeria, and Uganda fear of reprisals if they speak about corruption.

As such it goes unreported. But on a positive note, more than half of the people surveyed believe that ordinary people can make a difference in the fight against corruption (Transparency International, 2019).

People must report corruption by private companies. People who have witnessed corruption but are silent and have looked the other way are barriers to combating corruption. In 2013 ACB Blantyre Report Centre recorded 90 complaints against private companies.

According to Odeku (2018) in the Journal of Distribution Science Volume 16 Issue 9, these companies are supposed to adhere to the principle of corporate social responsibility when conducting business with the public sector.

Corporate social responsibility entails that a private company should operate in all its dealings with the highest standards devoid of any form of fraud or corruption.

A corporate entity that colludes with any government employees to defraud or steal from the treasury engages in corrupt practice (Odeku, 2018), and people are encouraged to report such a corporate entity to ACB. In that respect, reports from persons who have witness

suspicious conduct are important in the fight against corruption. This is important for the affected organisation or the law enforcement authorities to uncover and deal with it. To that end, ACB has revived the toll-free line to ensure that people can report without fear of reprisal. However, the balance of public interest in uncovering corruption lies in favour of allowing anonymous reporting. This, according to Commonwealth Anti-Corruption Benchmarks

(2021), helps to uncover corrupt practices which would otherwise go unreported. People are reminded, as captured by Katoto Mtambo (2020) in the previous ACB Newsletter edition, that anonymous complaints are made by individuals who choose not to reveal their identity to protect themselves. These could be reported through any of the channels as prefaced in the Anti-Corruption Bureau Annual Report for 2019–2020.



GENERAL COMMUNICATION BY ACB

~Compiled by Egrita Mayamiko Mndala~

SUSPENSION OF VETTING FOR CHANGE OF VEHICLE, HOUSE AND LAND OWNERSHIP BY THE ANTI-CORRUPTION BUREAU

The Anti-Corruption Bureau (ACB) wishes to inform members of the public that it has for the meantime, suspended vetting and clearance of motor vehicles, land and houses before change of ownership from 6th August 2021. The process which was made in accordance with Section 10 (1) of the Corrupt Practices Act, may be restarted in future when the need arises. The Bureau would like to thank the two public institutions concerned with the processes for their cooperation during the time the vetting process was in force. Let us hold hands in fighting corruption by resisting, rejecting, and reporting any suspected corrupt practices to the ACB.

CHIDZIWITSO

ACB YAYIMITSA NTCHITO YOWUNIKA KUSINTHA UMWINI WA GALIMOTO, NYUMBA NDI MALO.

Bungwe la Anti-Corruption Bureau likudziwitsa anthu onse kuti layamba layimitsa ntchito yowunika kusintha umwini wa galimoto, nyumba ndi malo kuyambira lero pa 6 August, 2021. Bungweli likudziwitsa anthu onse kuti ntchitoyi, yomwe imachitika mogwirizana ndi gawo 10(1) la lamulo lolimbana ndi ziphuphu la Corrupt Practices Act, itha kudzayambiranso ngati kutafunikira kutero. ACB ikuthokoza mabungwe omwe imagwira nawo ntchitoyi chifukwa chaubale wabwino omwe unalipo pogwira ntchitoyi. Tiyeni tonse tigwirizane polimbana ndi mchitidwe wa ziphuphu. Kanani ndi kuwaneneza onse ochita ziphuphu.

RESUMPTION OF ACB TOLL LINE 113.

The Anti-Corruption Bureau (ACB) is glad to inform members of the public that its toll-free line is now operational. **The toll-free line remains 113.** This can be accessed by subscribers on both **TNM and Airtel networks.** The ACB would like to encourage all Malawians to use the Toll-free line to report corruption related issues. Please do not use it for other purposes other than reporting corruption allegations.

KUYAMBILANSO KUGWIRA NTCHITO KWA NAMBALA YA 113 YAUWERE.

Bungwe la Anti-Corruption Bureau likudziwitsa anthu onse kuti nambala ya ulere ya 113 yayambanso kugwira ntchito. Nambalayi ikugwira ntchito pa ma foni a netiweki ya **TNM ndi Airtel.** Bungwe la ACB likulimbikitsa onse kugwiritsa ntchito nambalayi kupeleka madandaulo okhudzana ndi ziphuphu. Chonde tisagwiritse ntchito nambalayi pa zinthu zomwe sizikugwirizana ndi ntchito.

ACB ARRESTS FOUR IN LIWONDE OVER AIP.

On 21st January 2021, the Anti-Corruption Bureau (ACB) received a complaint alleging that Ms. Enifa Stefano Phiri of Chikwita village in Machinga connived with sales staff from Ntaja ETG shop to collect K15000 in advance from 50 beneficiaries of Affordable Farm Inputs Programme (AIP) from Chikwita and Piyasani villages to facilitate

quick buying of the inputs by the beneficiaries. The investigation established that Mr. Titani Kamtondo, Agricultural Extension Officer at Machinga ADD and Ms. Enifa Phiri, Member of the Village Development Committee respectively, obtained MK72,500.00 as extra money from AIP beneficiaries.

The report also established that Mr. Charles Sembereka and Mr. Chasi Muloza, who were acting as middlemen, received K48,000.00 from beneficiaries. On 17th August 2021, the ACB arrested Enifa Stefano Phiri, Titani Kamtondo, Charles Sembereka and Chasi Muloza. They were taken to Machinga Magistrates court where they were charged with corrupt practices by public officers and corrupt practices by private bodies contrary to Section 24(1) and 26(1) of the Corrupt Practices Act respectively. They were taken to Court on 19th August 2021 where they were charged. The Court reserved bail ruling for 23rd of August. On 23rd August 2021, they were taken to Machinga Magistrate's Court where they were granted bail after satisfying conditions set by the Court. The five are being prosecuted in Court.

ACB ARRESTS FOUR IN MZUZU OVER CORRUPTION IN LAND SALE

The Anti-Corruption Bureau (ACB) received a complaint alleging that Khwima Mkandawire, Chisomo Chawanje, Richard Sumayili and Adiel Tsambewe, Ministry of Lands officials in Mzuzu, corruptly received MK1,800,000.00 from Benjamin Jere as payment for a piece of a land at Area 4 in Mzuzu and issued no receipt for the payment.

The Bureau instituted an investigation which among other things established that the land belongs to Mr. Francis Mwakimbwala who claims to have all the relevant documents. On 23rd June, 2021, the Anti-Corruption Bureau arrested Khwima Mkandawire and Chisomo Chawanje. Richard Sumayili and Adiel Tsambewe were arrested on 24th June, 2021. They are suspected to have committed the offence of misuse of public office contrary to Section 25B (1) of the Corrupt Practices Act, theft, contrary to Section 278 as read with Section 271 and obtaining money by false pretence, contrary to Section 319 of the Penal Code. They were taken to Court on 25th June where they were granted bail after satisfying the conditions set by the Court. The case is in Court.

ACB ARRESTS FORMER MINISTER AND TWO PUBLIC OFFICIALS IN LILONGWE

On 24th August 2020, the Anti-Corruption Bureau (ACB) received a complaint alleging that Lilongwe Water Board paid for Hon. Charles Mchacha's honeymoon at Ryalls Hotel in Blantyre. The investigation established that Hon. Charles Mchacha while serving as Minister of Irrigation and Water Development abused his office by directing Dr. Henrie Njoloma to facilitate access to lodging services and food stuffs for his advantage and for the advantage of others at Ryalls Hotel in Blantyre using Government of Malawi funds for personal gain under the pretext of lobbying for adjustment of water tariffs.

The Investigation also established that Dr. Henrie Njoloma being Principal Secretary for Ministry of Irrigation and Water Development and Mr. Moses Mwenye being Acting Chief Executive Officer for the Lilongwe Water Board respectively, aided, and abetted Hon Charles Mchacha to abuse his office by initiating and instructing the process of preparing payment, using Government funds for lodging services, and beverages at Ryalls Hotel in Blantyre.

On 26th August 2021, the ACB arrested Hon. Charles Mchacha, Dr. Henrie Njoloma and Mr. Moses Mwenye. They are expected to be charged with abuse office contrary to Section 25B (1) as read with Section 35 of the CPA, neglect of duty and theft by conversion contrary to Section 121 and 270 as read with Section 278 of the Penal Code respectively.

ACB RESTRICTS NATIONAL OIL COMPANY OF MALAWI LIMITED (NOCMA) FROM DEALING WITH PROCUREMENT PROCESSES TOWARDS AWARD OF CONTRACT

Pursuant to its powers under section 23(1) of the Corrupt Practices Act, on 8th June 2021, the Anti-Corruption Bureau (ACB) issued a restriction notice to NOCMA on a contract to supply fuel under procurement number NOCMA/ICB/FUEL/2020/2021. This follows several complaints received by the ACB alleging irregularities and suspected corruption surrounding the fuel procurement process. The ACB has instituted investigations into the matter.

Following the restriction notice, NOCMA was therefore restricted from awarding the contract until the ACB has concluded the investigation or lifted the restriction notice.

ACB ARRESTS MINISTER AND TWO OTHERS IN LILONGWE OVER ABUSE OF OFFICE IN THE SUPPLY OF FUEL CONTRACTS AT NOCMA.

The Anti-Corruption Bureau (ACB) received a complaint alleging corruption in the way National Oil Company of Malawi (NOCMA) conducted the process to award contracts to supply fuel. The Bureau received another complaint alleging interference and meddling into NOCMA's contracts to supply fuel for the year 2020/2021. The Anti-Corruption Bureau instituted investigations and restricted the contract. On 6th August, 2021, the Bureau lifted the restriction as the investigation in the first complaint did not establish any offence. In the second complaint, the investigation established that Hon. Newton Kambala, Minister of Energy, attempted to influence NOCMA to award contracts of 2020/2021 fuel supply for the advantage of Orxy, Finergy and Trifugira Fuel companies. Mr. Enock Chihana, President of Alliance for Democracy (AFORD) and Mr. Chris Chaima Banda, Presidential Adviser on Strategy aided and abetted Hon. Newton Kambala when he attempted to influence the award of the contract to supply 40000 metric tons of fuel to a company known as Finergy and told her only to listen to the Minister. On 9th August, 2021, the ACB arrested Hon. Newton Kambala, Mr. Chris Chaima Banda and Mr. Enock Chihana.

ACB RESTRICTS MINISTRY OF TRANSPORT AND PUBLIC WORKS FROM DEALING WITH CONTRACT FOR DESIGNING, UPGRADING AND REHABILITATION OF THE RAILWAY SECTION BETWEEN MARKA AND BANGULA

This follows a complaint received by the ACB alleging irregularities and suspected corruption surrounding the procurement process. The ACB has instituted investigations into the matter. Following the restriction notice, the Ministry of Transport and Public Works is therefore restricted from proceeding with award of the contract until the ACB has concluded the investigation or lifted the restriction notice.

ACB RESTRICTS MINISTRY OF ENERGY FROM DEALING WITH CONTRACT TO SUPPLY MATERIALS UNDER MAREP PHASE 9

Pursuant to its powers under section 23(1) of the Corrupt Practices Act, on 23rd June 2021, the Anti-Corruption Bureau (ACB) issued a restriction notice to Ministry of Energy on a contract to supply MAREP Phase 9 materials under contract number 047/MoE-MAREP-PH9-G-NCB-2020/2021FY-08. This follows

complaints received by the ACB alleging irregularities and suspected corruption surrounding the procurement process of the materials under MAREP 9. The ACB has instituted investigations into the matter. Following the restriction notice, the Ministry of Energy is therefore restricted from proceeding with award of contract until the ACB has concluded the investigation or lifted the restriction notice.

HIGH COURT IN BLANTYRE FINDS DR. THOMSON MPINGANJIRA GUILTY.

On 8th December 2019, the Anti-Corruption Bureau (ACB) received a complaint alleging that some people were attempting to bribe the five judges sitting at the Constitutional Court hearing the Presidential Elections Case. The ACB instituted investigations into the matter. On 22nd January, 2020, the Anti-Corruption Bureau arrested Dr. Thomson Mpinganjira in relation to the matter. On 15th April, 2021, the High Court in Blantyre found Dr. Mpinganjira with a case to answer. On 10th September 2021, the Court convicted Mpinganjira for attempting to bribe Judges hearing the 2019 Elections Case. He was sentenced to 9 years imprisonment.

COURT CONVICTS FORMER MWANZA DISTRICT HEALTH SERVICES ADMINISTRATOR OVER ABUSE OF PUBLIC FUNDS.

The Anti-Corruption Bureau (ACB) received a complaint in 2019 alleging that John Jere, Health Services Administrator at Mwanza District Hospital (then) abused his office by including his personal motor vehicle on the list of the fleet for Mwanza DHO and insured it using public funds for Mwanza DHO. The Bureau instituted investigation which established that Mr. John Jere used Mwanza District Hospital funds to insure his personal vehicle. On 21st July 2021, the ACB arrested John Jere. He was taken to Mwanza Magistrate's Court. He was charged with one count of misuse of public office contrary to Section 25B (1) of the Corrupt Practices Act. He pleaded not guilty to the charge. He appeared in Court on 29th September 2021 for trial. He changed his plea of not guilty to that of guilty after the state had paraded three witnesses.

The Court convicted him. On 11th October 2021 the court sentenced him to thirteen months imprisonment with hard labour but suspended for seven months on condition that does not commit a similar offence during the suspension period. He was also ordered by the Court to pay back to the Malawi Government the sum of K28,000.00 which he had benefited from the offence which he paid back.

ACB ARRESTS TOBIAS LUTEPO OF MZUZU NRB OVER CORRUPTION.

On 11th November 2021, the Anti-Corruption Bureau received a complaint alleging that some Immigration Officers in Mzuzu had solicited K1,000,000.00 from Mr. Ernest Bahti who had been convicted by Mzuzu Magistrate Court to facilitate his deportation process to South Africa. The Bureau investigations established that for one to start the processing of a passport there is need to produce a national Identity Card at the Immigration Office and the same is issued by the National Registration Bureau.

On or around 27th October 2021 Mr. Tobias Lutepo authorized the registration of Ernest Bahti, a Cameroonian foreigner into the National Registration Bureau system. Ernest Bahti was registered as a bona fide Malawian Citizen in the name of John Chisi who hails from Yohane Chisi village, Traditional Authority Mbelwa in Mzimba District. On Friday 30th November 2021, the Bureau arrested Mr. Tobias Lutepo Assistant Registration Officer heading Mzuzu office. He was released on bail after satisfying the bail conditions set by the Court. He will appear in Court on a date to be set by the Court for commencement of trial.

ACB ARRESTS CASSIUS CHIWAMBO, DIRECTOR OF ENERGY OVER ABUSE OF OFFICE.

On 23rd June, 2021, the Anti-Corruption Bureau received an allegation which among other things, alleged that the Ministry of Energy deliberately sidelined the Internal Procurement and Disposal Committee (IPDC) in procuring powerline construction materials for the Malawi Rural Electrification Programme (MAREP) Phase 9, referenced as MAREP-PH9-G-NCB-2020/2021FY-08.

The Bureau conducted investigations into the allegation and established that Mr. Cassius Chiwambo abused his office by influencing the evaluation team to favour DECO, Ackon, KK Hardware, Gabs, Two Trees, Business Machines and West One, which were some of the bidders.

On 15th December 2021, the Bureau arrested Mr. Cassius Chiwambo. He will be taken to court to be informed of the charges. He is likely to be charged with two counts of abuse of office contrary to Section 25 B (1) of the Corrupt Practices Act.

ACB ARRESTS LIMBANI CHAWINGA AND ELVISTHODI IN BLANTYRE AND LILONGWE RESPECTIVELY OVER CONSPIRACY TO DEFRAUD AND ABUSE OF OFFICE.

On 15th December 2021, the Anti-Corruption Bureau arrested Mr. Limbani Chawinga, then Deputy Head of Research and Planning at the Department of Immigration and Citizenship Services. On 16th December, the Bureau arrested Mr. Elvis Thodi former Chief Immigration Officer at the Department of Immigration and Citizenship Services in relation to award of a contract to Abdul Karim Batatawala by the Department of Immigration and Citizenship Services.

The investigations conducted by the Bureau established that the Department of Immigration and Citizenship Services awarded the contract to Abdul Karim Batatawala without following procurement procedures which led to Malawi Government losing MK4.7 billion. Mr. Chawinga is likely to be charged with one count of abuse of office contrary to Section 25 B (1) as read with Section 35 of the Corrupt Practices Act and conspiracy to defraud contrary to Section 323 of the Penal Code.

Mr. Thodi is likely to be charged with one count of abuse of office contrary to Section 25 B (1) as read with Section 35 of the Corrupt Practices Act, conspiracy to defraud, neglect of official duty and giving false information to a person employed in the public service contrary to Sections 323, 121 and 122 (a) of the Penal Code respectively.

ACB ARRESTS TWO OVER FRAUD AND ABUSE OF OFFICE.

On 3rd June 2019, the Anti-Corruption Bureau received an anonymous allegation that Salima District Hospital Clerk, Mr. Ahmed Elias Kazembe and another Human Resources Management Officer connived to maintain names of some members of staff on government payroll, yet the staff had resigned in 2017.

The Bureau conducted investigations into the allegation and found that some people were receiving salaries. The Bureau arrested five people on 20th and 22nd September. On 20th October, 2021, the Bureau arrested Rabson Issa, who worked as a Clinical Technician at Salima District Hospital from 2014 to 2018 but continued receiving salaries from Salima hospital up to May, 2019. Madalitso Muyakha, worked at Salima

Hospital as a Pharmacist from December 2016, before being to February, 2018. He continued receiving a salary from September 2018 to May, 2019.

They were arrested on two counts of fraud other than false pretense contrary to section 319A (c) of the Penal Code and Money laundering contrary to section 42 (1) (C) of the Financial Crimes Act.

ACB ARRESTS FORMER COMMISSIONER AND ANOTHER FORMER OFFICER OFNSO OVER ABUSE OF OFFICE.

The Anti-Corruption Bureau received an allegation in 2011 that the then Commissioner for National Statistical Office, Mr Charles Machinjiri produced a list of applicants with JCE to be recruited as Temporary Statistical Clerks in a vacancy whose minimum qualification was MSCE and that Mr Machinjiri gave that list to Mr Hastings Dowe who was Human Resource Management Officer then (now Director of Administration at Blantyre District Council) for consideration during aptitude test for the recruitment.

The Bureau conducted investigation which established that 21 individuals were recruited although they did not meet the requirements. It was also established that Mr Dowe recommended and endorsed the recruitment. Mr Machinjiri, on the other hand, approved that list.

On 28th September, 2021, the ACB arrested Mr. Dowe and Mr. Machinjiri. They were taken to Zomba Magistrate's Court on 29th September where they were charged. Mr Dowe was charged with misuse of public office, contrary to Section 25B (1) of Corrupt Practices Act. Mr Machinjiri was charged with neglect of official duty, contrary to Section 121 of the Penal Code.

ACB ARRESTS FOUR IN LIWONDE OVER AIP.

On 21st January 2021, the Anti-Corruption Bureau (ACB) received a complaint alleging that Ms. Enifa Stefano Phiri of Chikuwita village in Machinga connived with sales staff from Ntaja ETG shop to collect K15000 in advance from 50 beneficiaries of Affordable Farm Inputs Programme (AIP) from Chikuwita and Piyasani villages to facilitate quick buying of the inputs by the beneficiaries. The investigation

established that Mr. Titani Kamtondo, Agricultural Extension Officer at Machinga ADD and Ms. Enifa Phiri, Member of the Village Development Committee respectively, obtained MK72,500.00 as extra money from AIP beneficiaries. The report also established that Mr. Charles Sembereka and Mr. Chasi Muloza, who were acting as middlemen, received K48,000.00 from beneficiaries.

On 17th August 2021, the ACB arrested Enifa Stefano Phiri, Titani Kamtondo, Charles Sembereka and Chasi Muloza. They were taken to Machinga Magistrates court where they were charged with corrupt practices by public officers and corrupt practices by private bodies contrary to Section 24(1) and 26(1) of the Corrupt Practices Act respectively. They were taken to Court on 19th August 2021 where they were charged. The Court reserved bail ruling for 23rd of August. On 23rd August 2021, they were taken to Machinga Magistrate's Court where they were granted bail.

ACB ARRESTS KINGSTONE MAZIBUKO OVER ABUSE OF OFFICE.

On 4th October 2017, the Anti-Corruption Bureau received an allegation that Michael Mazibuko was employed as Physical Planning Ranger in the Ministry of Lands, Housing and Urban Development even though he did not meet the academic requirement stated in the job advertisement. The Bureau conducted investigations into the allegation and found that Mr. Kingstone Mazibuko, father to Michael, while working as the Human Resource Management Officer at the Ministry of Lands, Housing and Urban Development shortlisted his son for interviews although he did not qualify.

On 13th October 2021, the Bureau arrested Mr. Kingstone Mazibuko. He was taken to court on 14th October where he was charged with one count of abuse of office contrary to Section 25 B (1) of the Corrupt Practices Act. He was granted bail. The case is in Court.

AWARENESS MONTH & IAD IN PICTURES

Every year, from 8th November to 8th December, the ACB undertakes the National Anti-Corruption Awareness Month and commemorates International Anti-Corruption Day on 9th December.

The 2021 Awareness month was launched on 9th November, in Zomba City with an anti-corruption parade and was closed with another parade in Mzuzu City on 8th December.

Apart from the two marches, other activities conducted during the month were; Community Sensitization meetings; Monitoring of service delivery in public institutions; electronic media programs; national anti-corruption dialogue; Press briefing by the Director General; a football bonanza; and Corporate Social Responsibility. The pictures below summaries the activities conducted across the country.

1 Anti-Corruption parade in Zomba and Mzuzu



Malawi Police Brass Band leading the parade in Zomba. ACB Director General Ms. Martha Chizuma, Mayor for Zomba City Council, Councilor Benson Bulla, MP for Zomba Central Constituency Hon. Bester Awali, District Commissioner for Zomba District Council among other dignitaries participated in the parade all the way from Chinamwali to Zomba District Commissioner's office.



Director General, Martha Chizuma addresses people at Zomba District Council Offices to mark the launch of the National Anti-Corruption Awareness Month



ACB Officers getting ready for the Parade in Mzuzu at Chibavi Primary School.



There was dancing to Machuluka Band anti-corruption theme song.



Mzuzu City Mayor, Brian Nyasulu, ACB DG, Martha Chizuma and other dignitaries at the close of the parade in Mzuzu and ACB Director General (with Mic) addresses people at the end of the march at Mzuzu main taxi rank:

AWARENESS MONTH & IAD IN PICTURES

2

International Anti-Corruption Day (IAD)



State Vice President Dr. Saulos Chilima being briefed by Director General Martha Chizuma at Grand Palace Hotel



Justice Minister Titus Mvalo leads Chilima to his seat in the conference Hall



Comedy by Club 31 Arts and Entertainment and mapenenga dance by Mwanjawala Dance Group



Panel Discussion in progress moderated by Joab Frank Chakhanza and contributors wait for a turn to ask questions and make general comments



A team of rapporteurs (left picture) and part of Delegates (right picture)



Cross section of Participants



Patrick Mogha (Left) and Jeff Kabondo (right) NIC Chairperson making Presentations on outcome of National Anti-Corruption Dialogue and Progress on NACS II respectively

3

Public Sensitization



Public Education Officer, Bonface Ng'oma (left) and Principal Public Education Officer, Patrick Thole (right) sensitizing the public on corruption in Mzuzu and Mulanje respectively

AWARENESS MONTH & IAD IN PICTURES

4

Service Delivery Monitoring



Left Picture-Principal Public Education Officer, Edward Kamvabingu engages women at Nkhatabay Health Center to learn about service delivery at the facility. Right Picture-a Report Center Officer, Pride Chimwala sensitizing a police officer at Nkhata Bay Police on anti-corruption policies.



Is this really your ID?: Principal Corruption Prevention Officer checks AIP beneficiaries' IDs at Nkhulambe ADMARC in Phalombe

5

Electronic Media Programs



A flier for the MASM sponsored program on Times Television

6

National Anti-Corruption Dialogue



Delegates to the National Anti-Corruption Dialogue at Bingu International Convention Center (BICC) in Lilongwe

7

Press Briefing in Mzuzu



On 7th December 2021, DG Martha Chizuma addressed the Media in Mzuzu flanked by Director of Corruption Prevention (L) and Director of Public Education (R)

8

Football Bonanza



On 3rd December 2021 ACB organized a Football Bonanza between Mulanje Boma Select and Mulanje Border Select at Chisitu Primary School Ground in Mulanje

District. Mulanje District Commissioner played on both sides and helped spread the message. Senior Chief Chikumbu of Mulanje District also attended the bonanza which took place in her jurisdiction and also helped spread the anti-corruption message

AWARENESS MONTH & IAD IN PICTURES

9 Corporate Social Responsibility



ACB Director of Corporate Services, Agrey Mwale (Left) handing over the notebooks to Sankhani Primary School representative in Lilongwe and a grateful student (Right) recites a poem at the event.



Students at Gambula Primary School in Mulanje display notebooks received as they pose with Bureau Officers.



In Chiradzulu at Nasulu Primary School, Chief Legal and Prosecutions Officer, Anafi Likwanya (in yellow t-shirt), Mr. Andrew Nkulichi (in black suit) representing MP for Chiradzulu East, Chiradzulu Chief Inspector of Schools representing the DEM and Nasulu Head Teacher (in grey suit) handover ACB branded notebooks

FEATURE

Power in the lyric:

The Place of Music in fighting Corruption

~By SHADRECK MPASO~

Introduction

Music remains a powerful tool for relaying important messages in society. Throughout human history, musicians have played a critical role in fulfilling both entertainment and educative demands of humanity. In the words of Nigerian Professor Ogunrinade “music is the life wire of the nation’s social life. Undeniably, every culture across the globe uses music to promote its ideas and ideals.”

During the apartheid era, for example, music was a weapon to fight the unpopular policies of the then South African government. In this view, music must be rightly positioned as a crucial element for providing the medication to heal the ills of society. In Malawi, corruption is arguably amongst the topical ills that need urgent healing.

This discussion, therefore, attempts to examine how music in Malawi has contributed to the general fight against corruption in view of the realization of the need for a multi-sectoral approach in curbing corrupt practices in Malawi. It focuses on how effective lyrics can be in tackling corruption in society. An in-depth discussion of Wambali Mkandawire’s song, *Ulimbo na Phula*, has been undertaken to demonstrate the place of music in the anti-corruption crusade. However, the question one still raises at the end of the debate is whether the Malawian musician has done what it takes to make a difference in the fight against corruption in Malawi.

Wambali Mkandawire’s ***Ulimbo na Phula*** Popularly known as “**Mtebeti**” (servant), late Wambali Mkandawire commands a rich music

career dating back to 1988 when he recorded his first collection of music. In most of his songs, Mtebeti employs deeper metaphorical language to challenge evils of society. One of such songs is *Ulimbo na Phula* from his 2002 album, Zani Muone.

Wambali’s *Ulimbo na Phula* presents a strong message against corruption particularly amongst those that exercise power in society. Karonga, a district on Malawi’s northern border with Tanzania is personified to represent a greedy corrupt leader (Kalonga) whose lust for material possessions is a disservice to social advancement.

In the first verse of the track, Wambali sets a scene of peace and plenty; *Wulikupika vinandi vyakulel-era wana wako* (You were given enough for raising your children) The cattle, sugarcane, bananas and aromatic Kilombero rice are all given to Karonga in abundance. This image of a land of plenty is symbolic of a society where justice and peace are an integral part of the human society.

But the scene is sharply contrasted when those in leadership positions begin to lust for personal enrichment rather than social advancement. Clearly, the message one gets from this is that the insatiable lust for money and material possessions remains the root cause of corruption in society.

Ndalama zakununa ndizo chawa chikhore (Sweet money has become the bait) *Wakuguliska wanangwa na ulimbo wa kuvuma* (for selling the freedom with birdlime from the East) *Vikwiza m’magaleta ghamarundi ghaulimbo* (They come in chariots with wheels made from birdlime) *Pakwiza vikulilima mumikwara yaphura* (they

come speeding in tared roads) Going through these lines, it becomes clear to conclude that corruption evolves from the insatiable need to amass more wealth than the rest of society.

Unfortunately, this weighs in negatively on the peace and prosperity of the society in general. Wambali brings in a powerful comparison of those that propagate corruption with the Biblical Esau (Genesis 25:29-34) who sold his birthright to gratify his love for food. Wasoka niyura wakaguliska ulala (woe unto him who sold his birthright) Na ndozi ziswesi njala ya zuwa limoza (with red beans to satisfy a day's hunger) The power in this comparison lies in the revelation that corruption stems from the lack of a sound moral direction. It is a result of a growing desire to achieve narrow selfish goals with total disregard for the greater good of humanity.

What is even more enriching in Ulimbo na Phula is the fact that after tracing the critical cause of corruption in society, Wambali concludes by providing a solution to the problem. He gives an advisory word of caution to those engaged in corrupt practices; Ntheura nkhumuchenjeczani imwe mose mwa wakaronga (I therefore warn you all people of Karonga) Imwe mukwerugza charu, mwamafumu na zinduna (You judges, chiefs and ministers) Tebeterani mwawofi ndiposo na chitenthe (Serve with fear and trembling) Ndipo mupeleke ntchindi kwa Kalonga Wa waKalonga (Pay reverence to the King of Kings) The solution to the problem of corruption, according to the lyrics in the song, remains religious and ethical fortification.

Those that serve humanity must do so with ultimate fear of God who is the King of Kings. Ulimbo na Phula, therefore, stands out as one of the shinning examples of how best music, and artistic work in general can be employed in the fight against corruption. It demonstrates that music and

musicians are an integral part of the greater war on corruption in Malawi. Less surprising that Transparency International, the world's leading body in the fight against corruption, in conjunction with JM International developed the Fair Play Anti-Corruption Youth Voices music Initiative with the aim of encouraging young musicians across the globe to use their music in the fight against corruption. The initiative has helped in raising global awareness around issues of corruption and bribery.

Way forward

As part of the global village, it is imperative, therefore, that Malawi adopts deliberate strategies that would help enlist the active voice of musicians in the country's drive against corruption.

While acknowledging the significant contributions made by such music icons as Wambali Mkandawire, Lucius Banda and Skeffa Chimoto (among others), it should also be mentioned that a great deal of work needs to be done if significant progress is to be made in this aspect. Artists and musicians should appreciate that theirs is a calling to speak to the entire human society on matters and aspirations of the society.

Corruption can never be wished away as a trivial topic in Malawi. Such being the case, one can be excused to expect that musicians come up with powerful lyrics in the likes of Wambali Mkandawire's Ulimbo na Phula, Lucius Banda's Azakulangani, Skeffa Chimoto's Ziphuphu. As the saying goes "With Corruption Everyone Pays", equally true is the fact that the fight against corruption is for everyone.

With the promotion of a culture of integrity where corruption is widely repudiated and denounced in the interest of the general good, as one of the goals of the National Anti-Corruption Strategy (NACS II), there is more room for musicians to position themselves and make their respective contributions.

CROSS WORD PUZZLE

~By Susan Anjimile Mtuwa Phiri~



ACROSS	DOWN
1. The use of position or political influence on someone's behalf in exchange for money or favours. (17)	1. The quality of being honest and having strong moral principles (9)
9. The practice of obtaining something, especially money, through force or threats (9)	2. Former (2)
10. Lowest form of corruption (5)	3. Politically Exposed Person (3)
12. Synonym for equivalent (3)	4. Director General ...Abrev (2)
14. Corrupt Practices Act ..Abrev (3)	5. To say something (5)
15. NACSII pillar beginning with 'E' (9)	6. Dishonestly persuade (someone) to act in one's favour by a gift of money (5)
18. NACSII pillar that encompasses young ones (5)	7. National Integrity Committee (3)
20. To succeed in persuading or leading (someone) to do something (6)	8. exclude or prohibit (someone) officially from doing something (9)
21. To dye (4)	10. An ACB Department mandated to review systems (10)
23. Forbidden by law, rules, or custom (7)	11. Trainer of Trainers (3)
25. To decay (3)	13. An official inspection of an organization's accounts (5)
27. Senior Investigations Officer .. Abrev (3)	16. Corruption is _____ (5)
29. The loss or giving up of something as a penalty for wrong doing (10)	17. Institutional Integrity Committee (3)
30. Access to Information ... Abrev (3)	19. a compulsory contribution to state revenue (3)
31. The system of rules which a particular country or community recognizes as regulating the actions of its members (3)	20. inside (2)
	22. Bribery and other corrupt practices used to secure illicit advantages (5)
	24. NACSII Pillar _____ Society (5)
	26. Terms of References ...Abrev (4)
	27. Institute legal proceedings against a person or institution for redress (3)
	28. Theme for 2020 IAD 'Act ____; Stop Corruption (3)

POETRY

Whispers

~By Brenda Louis,~

4th Year Student and Writer at UNIMA

"Seek first the Kingdom of Heaven,"
 The bible had taught me
 Souls now seek earthly
 wealth over God
 The "democratic" us, full
 Of greedy men and women
 Our tears, their smiles
 Words exchanged in the dark,
 walls grab and spread
 "Honourable, your whispers
 Are too loud".

When they built the Place

~By Brenda Louis,~

4th Year Student and Writer at UNIMA

When they built the place
 They never thought it would save a whole different purpose
 Some braids too hungry for the paper
 Gradually moved them from their own land
 The visit started to be a permanent stay

Rich hands found deep waters to drown their money into
 They knew these intelligentsias were not leaving
 Not anytime soon
 Maybe never,
 The village Chirunga is a forgotten tale
 Hands paralysed with cream on reach their mouths
 Even if we were to turn these old caves into Mikuyu cells
 They can never swallow all these brains

Integrity

Key to a Corruption Free Malawi



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