



Anti-Corruption Commission

National Anti-Corruption Conference 2017



Summarized Translation

Anti-Corruption Commission
Maldives

The Anti-Corruption National Conference 2017

(Summarized Translation)



ANTI-CORRUPTION COMMISSION

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1. Introduction of the Book

This book is a summarised translation of the post-conference book of The Anti-Corruption National Conference 2017. The Conference was organized by the Anti-Corruption Commission (ACC) of Maldives in collaboration with the Maldives Islamic University (IUM) that was held through 10th - 11th May 2017. This initiative is the very first national level conference held in the Maldives, bannered under the thematic area of **“Role of Institutions in fostering a culture of Integrity: Corruption Detection, Investigation, Prevention”**. The main objective of this conference was to create a platform for dialogue, enable an active engagement for discussion to address the most dominant and critical challenges in corruption issues observed in the society. It was the purpose of the Commission to collectively drive institutional processes and practices towards corruption prevention between law enforcement institutions.

A total of eleven papers were presented at the conference by ten institutions. The primary focus of this book is to convey an unofficial translation of the papers written in local language to English language. All the conference papers were translated by the Officials of ACC. At a time that systematic corruption was prevalent in the public sector and alarmingly critical allegations were brought to the authorities’ attention, this event would have not been possible without the collective efforts and actions of all the stakeholders. Hence, the Commission expresses its warmest gratitude to all the institutions and the participants who had contributed their valuable time and efforts to make this conference a successful event.

The Commission also appreciates its organizing partners and individuals for lending their professional support. It is inclusive, especially our sponsors and the media partners of the conference for their generous financial assistance for the moral cause to fight against corruption. Last but not the least, it is the Commission members’ policies, guided by the Secretary General’s directions, the commitments of the senior management and enthusiasm of the staff of the Anti-Corruption Commission who continues to abide the progressive stance to stand with the executive management in the challenges against corruption prevention that has made this conference a landmark achievement in the anti-corruption history of the institution and the Maldives.

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Director of Prevention, Head of Prevention and Research Unit
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31 July 2019

2. Conference Papers

2.1 The Situation Analysis of Corruption in the Maldives, National Integrity Plan and Corruption Prevention Activities

Anti-Corruption Commission

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Introduction and Objectives

The research presented in this paper focuses on explaining the present situation of corruption in Maldives, describing the National Integrity Plan (NIP) and highlighting the corruption prevention activities of Anti-Corruption Commission (ACC).

Background

The new constitution enacted in 2008 ensured separation of powers and an adequate check and balance mechanism in Maldives¹. The constitution also ensured explicit documentation of civil liberty and thereby guaranteed fundamental rights and freedom². Furthermore, it explicated the responsibilities and functions needed for the rights and liberties to be supported³. Apart from these, several measures of integrity and its basic principles are expressed in various statutes.

Present situation of corruption in Maldives

Due to its nature, unlike other crimes, corruption proves to be a much more difficult crime to assess, measure and find level of its existence.⁴ Likewise, it is difficult to have a direct measurement of corruption in a community.⁵ Nevertheless, adequate research methods could help in determining quantitative levels of corruption⁶. There are few representative researches available on corruption in Maldives. Findings of some of these researches are summarized below.

Corruption Perception Index (CPI)

CPI is the most widely conducted corruption perception research around the world. It is also the most prominent form of comparative assessment made worldwide on corruption.⁷ The scores are generated based on expert assessments and opinion surveys by international agencies such as Asian

¹ Constitution of the Republic of Maldives 2008

² Chapter II, Constitution of the Republic of Maldives 2008

³ Article 67, Constitution of the Republic of Maldives 2008

⁴ Francisco - Javier Urrea, Assessing Corruption an analytical review of Corruption measurement and its problems: Perception, Errorand Utility, May 2007

⁵ Measuring Corruption, Transparency International, Transparency.org.uk extracted on 13 April 2017

⁶ Ritva Reinikka, Survey Techniques to Measure and Explain Corruption

⁷ Currently it includes 176 countries

Development Bank⁸, World Bank⁹ and Global Insight^{10,11}. For a country to qualify for this research, there must be at least three of such assessments done. CPI indicates ‘perceived level of corruption’ in countries.

Maldives has been included in the index from 2007 to 2011. During this time the research scores ranged from Zero to Ten, where zero indicates ‘highly corrupt’. Afterwards the methodology was modified in 2016, where scores were ranged from Zero to Hundred, and Hundred indicating low levels of corruption. Maldives was again included in the CPI in 2016.

The scores of Maldives (See table 1) shows concerning results.

Table 1: Scores of Maldives in CPI			
YEAR	RANK	MARKS	NO. OF COUNTRIES SCORED
2007	84	3.3	179
2008	115	2.8	180
2009	130	2.5	180
2010	143	2.3	178
2011	134	2.5	182
2016	95	36	176

Global Corruption Barometer

Global Corruption Barometer is one of the world's largest survey inquiring citizens about their direct personal experience of corruption. Maldives was surveyed in 2010/2011 and 2013. In 2010/2011 it was observed that 56% of participants believed that corruption has increased while 34% participants viewed no change within the past three-year period. Furthermore, it was reported that adverse effects of corruption were most evident in the Parliament, Political Parties and Judiciary. Also, about half of the participants believed that the government was effectively active in combating corruption while 39% believed that the government was ineffective.

In the Barometer report of 2013, participants were asked about their view on the progression of corruption in the past two years (2011 and 2012). It was observed that 38% interviewees believed that corruption in Maldives has increased to a great extent while 19% believed corruption somewhat increased. Also, 26% of the participants viewed no change and 12% participants said that corruption

⁸ Such as Country Performance Assessment Ratings

⁹ Such as Country Policy and Institutional Assessment

¹⁰ Such as Country Risk Ratings

¹¹ CPI Sources

somewhat decreased. Moreover, when asked about most corrupt institutions and groups, 75% said political parties, 78% said parliament and 69% said Judiciary was most corrupt. Moreover 62% respondents believed that corruption had been a serious problem and 18% participants said that the executive branch of the time favoured the interest of a particular group of people. Hence, 46% participants' viewed that most decisions of the government had been made in the interest of a particular group of people. Furthermore, 27% respondents believed that role of the government to prevent corruption were ineffective while 22% believed that anti-corruption efforts of the government had been outstanding. It was also evident that 62% respondents assumed that public could play an important role in curbing corruption. In addition, participants were asked about bribery in the selected 8 public services. Majority of the participants had said that they provided bribes to gain land related services¹². Services related to registration and licencing¹³ came second while services related to Education and Police¹⁴ came third. Also, 62% of the interviewees believed that the public could play a key role in eradicating corruption.

Civil Servants Corruption Perception Survey 2014

Findings of this research conducted by ACC shows that majority of civil servants¹⁵ are able to recognize and identify offences of corruption. A worrying factor is that participants¹⁶ believed that despite knowing corruption offences, a high number of employees were involved in corruption. This could be inferred as employees being deliberately and willingly¹⁷ engaging in corruption offences.

The form of corrupt activities that most commonly exist or occur in the CS institutes were identified as preferential treatment in employment process (45%), bribes (37%), misuse of state assets (35%) and fraud/embezzlement (30%).

It is worthy to note that 12-13% of the respondents believed that they were influenced to commit acts of corruption. Hence, it is important to conduct further research on nature of influences and to identify ways that influence is exerted. Another important finding of the research was the minimal influence on CS officials to vote for a particular candidate and election fraud¹⁸. However, this needs to be further examined.

¹² 6%

¹³ 4%

¹⁴ 3%

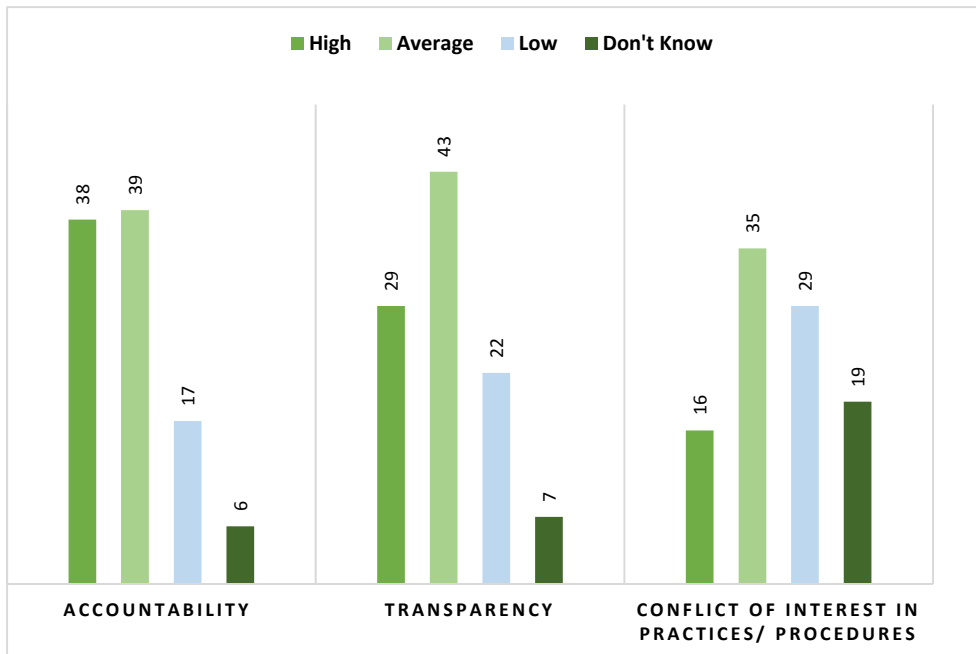
¹⁵ 76 and 88%

¹⁶ 30-45%

¹⁷ 79% participants said that they were not influenced to get involved in corruption, 86% said that they were not influenced by colleagues to vote a particular candidate in the official elections, 61% said that they have never induced coworkers to get involved in corruption.

¹⁸ 4% participants

Accountability, transparency, conflict of interest (Refer to chart below) were the three major aspects that were assessed under Governance. It was observed that civil servants rated moderate scores for all the aspects.



Moreover, table below shows response of participants when asked how they perceived influence of media on integrity of Civil Service.

Good	Bad	Don't Know
26.1%	38.1%	35.8%

National Integrity System Assessment 2014

The report describes the status of 12 pillars of the Maldivian National Integrity System in terms of their capacity, governance and specific roles in fighting corruption¹⁹. As such capacity of institutions, governance (transparency, accountability, integrity mechanisms) and specific roles (executive, oversight, legal reforms) in fighting corruption, were assessed in relation to the legal framework and implementation of them.

Major findings of the assessments are highlighted below.

1. Lack of financial stability of ACC hinders its investigation and awareness activities.
2. Absence of a legal framework that facilitates corruption prevention efforts.

¹⁹ Introductory note, National Integrity System Assessment- Maldives, 2014

3. Existence of a legal framework that ensures legal status and independence of the Commission.
4. Existence of a legal framework that ensures transparency and accountability of the Commission's work.

Furthermore, the report provides conclusions and recommendations related to integrity practices namely, transparency and accountability of state-owned enterprises and government shareholding companies. These include;

- Mandatory documents and reports not being prepared and not publicized regularly.
- No legal authority to investigate reports related to private businesses.
- Lack of transparency in decisions made by companies regarding corporate social responsibility and business sponsorships.
- Monitoring and accountability controls of companies not being vested to Registrar of Companies.
- Companies not having legal responsibility of disseminating information regarding anti-corruption efforts.

On the whole, the recommendations provided by these researches counsel Maldives to increase its efforts against corruption, responsible monitoring of public funds and strengthen promotion of integrity.

National Integrity Plan (NIP)

The National Integrity Plan (NIP) is a National Level Plan initiated by Anti-Corruption Commission with the aim of increasing integrity at all levels of the nation and foster attributes of integrity in all aspects of Maldivian lives. The Plan also attempts to nurture transparency, accountability and other qualities of integrity in all public institutions. Overall the plan is a preventive mechanism to be used to combat corruption in the country. A total of 61 institutions have participated in the development of NIP²⁰. The main objectives of the draft plan include;

- To assure integrity is a quality that is acknowledged, fully respected and also a value defended by all public institutions
- Promoting integrity and upholding societal values in both public and private sector
- Developing mechanisms and regulations that will guarantee services to the public with ease of access and confidence with the combined effort of all public institutions
- Creating a unified community

²⁰ Annual report of Anti-Corruption Commission, 2015

- Working towards the goal of zero tolerance regarding any form of corruption

The draft plan includes five main policies under which 30 strategies are formulated to attain the major objective of each policy. Following each strategy, 132 activities are articulated at three objective levels, namely short-term, mid-term and long term. The strategies include;

1. To prevent any form of corruption in the public institutions - 21 activities
2. Ensure transparency and accountability and strengthen public confidence in all public institutions and hold them responsible – 62 activities
3. Strengthen community relationships in order to foster national integrity- 31 activities
4. Empower and promote integrity among youth - 10 activities
5. Foster integrity in the school environment - 8 activities

A total of 37 institutions have thus far endorsed the plan. Some of the works conducted through 2016 include preparation for implementation of the plan and these are listed below.

1. Pre-assessment of National Integrity Plan- It aims to assess the existing conditions at institutions prior to implementation of NIP so that progress could be measured and planned accordingly.
2. Paperwork for establishing Integrity Committees and Officers- This include drafting the functions and responsibilities of integrity committees or integrity officers to oversee implementation of NIP at their respective institution.
3. Awarding of Integrity Seal- This includes granting a seal to exemplary institutions which establishes principle policies upholding integrity and good governance.
4. Integrity for school system program- This program aims to increase educational integrity and foster values of integrity at school environment. The program has already been piloted at Fuvahmulah City.
5. Corporate Integrity Program- It aims to promote transparency, accountability and integrity at public institutions, public and private companies. This involves drafting a minimum standard requirement and corporate code which enables businesses to raise profit fairly and sustainably.

Corruption Prevention Efforts

According to the ACC Act (13/2008), the Commission is mandated with two major functions namely, Investigation and Prevention of Corruption. Commission is currently engaged in three forms of preventive activities. These include;

1. Conducting research
2. Awareness programs

3. Promoting integrity in public governance

Initially, in 2010, the Commission established a separate unit called 'Education and Research' to carry out all the activities related to prevention of corruption. Additionally, policy 5 and 6 of the Commission's second Strategic Action Plan (2015-2019) focuses on strengthening the corruption preventive mechanisms of ACC²¹. As such, corruption prevention efforts of the Commission could be classified into the following.

1. Commemorating special days marked nationally and internationally on anti-corruption - (National and International Anti-Corruption Day, Integrity festivals)
2. Education and awareness - This includes workshops and sessions held for public institutions, schools and the general public.
3. Promoting integrity and anti-corruption through media - This includes awareness activities of the Commission handled through Facebook, Twitter, YouTube, TV and Radio.
4. Honouring and recognizing the inspirational efforts of those who work diligently towards eradicating corruption - ACC has launched an integrity award to honour the efforts of institutions and individuals working against corruption. Also, interviews and stories of heroic figures are featured in the quarterly bulletin.
5. The National Integrity Pledge - It is an official expression of commitment to abide and uphold integrity. Also, monuments are built in various islands, reminding people about integrity.
6. Competitions - Anti-Corruption quizzes and Quran competitions are held for students. Also, photography competitions, debate competitions and poster drawing competitions are held to increase public awareness on corruption.
7. Public events – These include door to door events, children's evening and other such events held to increase public awareness.
8. Religious lectures - ACC attempts to aware the public through organizing religious lecture sessions, and by including information on corruption in Friday sermons.
9. Publications - Books, leaflets, Bulletins, stories, research reports and white papers are some publications of ACC.
10. Corruption Risk Assessments - These risk assessments are conducted at various public institutions determining corruption prone areas and red flags. Recommendations are provided to improve the systems assessed.
11. Perception Surveys - These surveys are designed to understand public awareness on corruption.

²¹ Anti-Corruption Commission Strategic Action Plan 2015-2019

Conclusion

It is important for all public institutions to implement recommendations of research papers and perception surveys. Effectiveness of institutions and service quality could be improved through increasing transparency, accountability and integrity. Similar to countries such as Singapore and Malaysia, it is vital for Maldives Anti-Corruption Commission to gain legal authority to curb corruption through prevention activities. Likewise, staff and other resources should be enhanced to increase efficiency. Also, the Commission's financial stability should be ensured in order to increase sustainability of ACC's prevention activities. Moreover, National Integrity Plan needs to be fully implemented with the commitment of all public institutions. Together with this, national policies and strategies need to reflect on anti-corruption initiatives and importance of asset recovery in order to ensure integrity and sustainable development.

2.2 The Challenges and Counter Measures in Prosecution and Conviction of Corruption Cases

Prosecutor General's Office

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Introduction

This research paper was written for the “The Anti-Corruption National Conference - 2017”, with the aim to identify the challenges faced in the prosecution of corruption cases and proving such offenses, along with suggestions for a course of action by relevant institutions to solve these challenges.

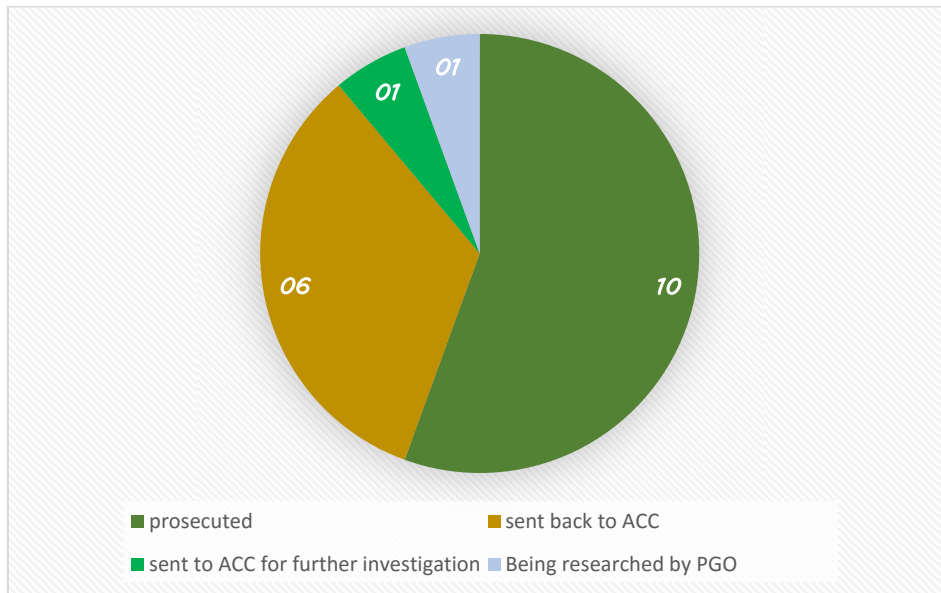
Purpose of this research paper

- Identifying the challenges faced in the prosecution of corruption offenses
- Identifying the challenges faced in proving the offenses of corruption in prosecuted cases
- Identifying the reasons for delays in prosecution in corruption cases
- Identifying the factors that need to be completed in the investigation process, and the procedure for completion of such factors, in order to strengthen investigations
- Finding solutions for challenges faced in the prosecution of corruption cases and proving those cases in the court

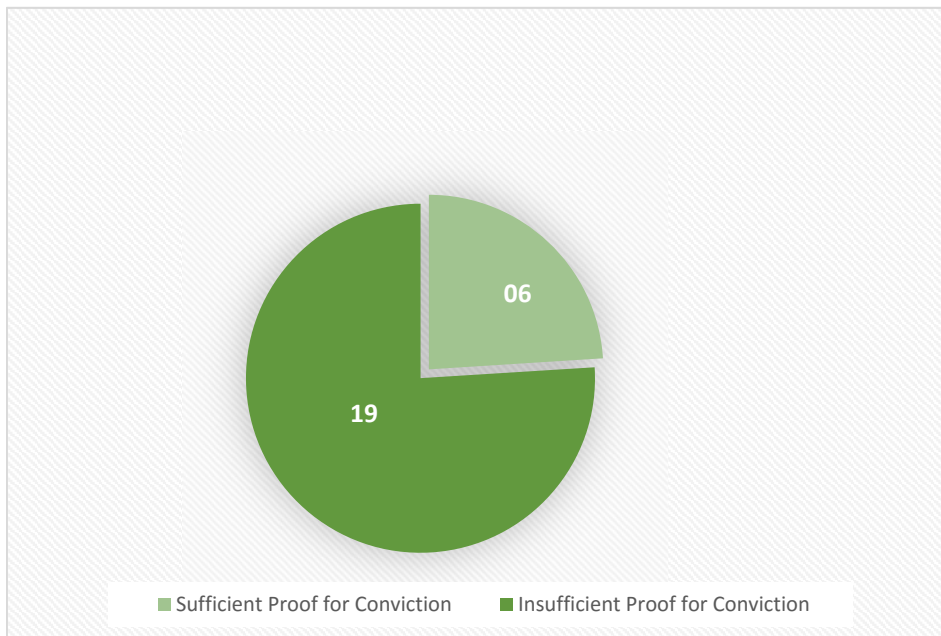
Issues Identified

There are 3 courses of action taken by the Prosecutor General's Office, hereafter referred to as PGO, on cases investigated and forwarded for prosecution by the Anti-Corruption Commission, hereafter referred to as ACC.

The following chart represents action taken on cases sent to PGO by the ACC on 2015 and 2016:



The following chart represents how the cases prosecuted within 2011, 2012 and 2013, had been concluded:



Reasons for the Challenges in Prosecuting Cases Sent by the ACC

Investigating cases that do not fall within the jurisdiction of the ACC

Due to the similarity in the elements of the offenses of corruption and other criminal offenses, there is a difficulty in identifying the type of the offense in the initial investigation stage.

Criminal Prosecution is not justifiable/reasonable due to the facts of the case

When the damages caused by the corrupt act, the resources and time used to investigate and prosecute, and desired the outcome of prosecution is compared to each other, sometimes, outcome is one that can be achieved outside the criminal justice system.

The elements of the offense are not present, or insufficient evidence to prove the elements of the offense

The type and level of evidence necessary to prove the offense is not considered when collecting evidence. Therefore, the evidence collected in the investigation is insufficient for a criminal prosecution.

Administrative staff are held responsible for their actions/inactions, when there is no procedure or rule that regulates how they should have acted

When there are regulations, procedures and policies in place, the responsibilities of employees are easily identifiable. However, when there are no such regulations, it becomes a challenge to hold an employee criminally responsible for their actions, and additional evidence needs to be gathered to determine their responsibilities.

Interrogating without properly identifying and explaining the accusation, accusing every person summoned for interrogation, or not interrogating each person accused

This is due to the inability to properly identify the accused from other witnesses, as cases are not properly assessed in the initial stage.

Allegations of corruption are raised for actions taken under special circumstances

These Special Circumstances usually acts as an exception to the general laws and regulations. Allegations and investigations are based on actions taken under such special circumstances.

Limiting the focus of the investigation to a particular action/area

Inability to identify the additional persons that may be accused, to obtain sufficient evidence and not putting in the effort necessary to obtain such evidence, due to limiting the focus of the investigation to a particular area.

As most Investigators have the capacity to give an expert opinion on the corruption and the cases investigated, such opinions are included in the Investigation Report

Although most investigators have the capacity to give an expert opinion on the case, if the court requires an expert to testify before the court, the testimony given by an expert would carry more weight than the opinion of the investigator.

Challenges in obtaining a testimony from witnesses

Due to the considerable time taken in investigating and prosecuting allegations of corruption, there is the issue of losing and tampering with evidence.

Poor record keeping of Board and Committee decisions by state institutions

Although proper record keeping is legally mandatory, when proper records of Board and Committee decisions are not maintained, and when there is a contradiction in the oral evidence presented to the court, proving such offenses becomes a difficult challenge.

Requesting Criminal Prosecution in cases that can be solved by taking an administrative action

It has been observed that the most reasonable and justifiable course of action for some of the cases sent for prosecution by the ACC would be to settle the damages by taking administrative action rather than a criminal prosecution.

Solutions

Investigating cases that do not fall within the jurisdiction of the ACC

- Conduct a proper assessment of the allegations of corruption before initiating an investigation, in order to determine the elements of the offense.
- This would ensure identification of the most suitable investigative body that should conduct the investigation, thereby ensuring that the resources and time are spent in the most efficient manner.

Criminal Prosecution is not justifiable/reasonable due to the facts of the case

- Evaluating the case before investigating, and making a decision on the justifiability of initiating a criminal proceeding for the particular case by weighing the outcome of a criminal proceeding.

The elements of the offense are not present, or insufficient evidence to prove the elements of the offense

- Identifying the offense, and the level of evidence necessary to prove the offense as part of the initial investigation. Where certain elements of the offense need to be proven, identifying the specific types and sources of evidence necessary to prove those elements of the offense.
- Asking for the assistance or opinion of the PGO during the investigation stage, should it be needed for the investigation.
- Providing the necessary training to investigators, to enhance and strengthen the investigations.

Administrative staff are held responsible for their actions/inactions, when there is no procedure or Rule that regulates how they should have acted

- When there are regulations, procedures and policies in place it is easy to identify the responsibilities of employees. However, when there are no such regulations, it becomes a challenge to hold an employee criminally responsible for their actions, and obtaining further evidence becomes necessary.
- Ensure that all the regulations, procedures and policies of state institutions are in writing and enforcing them.
- If the procedures or policies for the alleged corrupt action is not in writing, identifying the standard procedure or practice in the institution and obtaining sufficient evidence to establish that norm.

Interrogating without properly identifying and explaining the accusation, accusing every person summoned for circumstances

- These Special Circumstances usually act as an exception to the general laws and regulations. Allegations and investigations are based on actions taken under such special circumstances.
- Identifying the specific circumstances that should be considered as “special circumstances”
- Identifying the procedures that should be adhered to in such special circumstances
- With regard to the procedures that should be followed even in such situations, identifying if a criminal investigation is warranted for the allegation of corruption

Limiting the focus of the investigation to a particular action/area

- Identifying the scope of the investigation in the preliminary stage and widening the scope of the investigation in light of new evidence found during the investigation
- Taking a holistic approach in the investigations
- Investigating any defences available to the accused including allegations of duress
- Obtaining evidence from an institution that may have evidence to support the case
- In addition to the documentary evidence and oral evidence, obtaining digital evidence, physical evidence and forensic evidence depending on the facts of the case
- Providing the necessary training to investigators, to enhance and strengthen the investigations.

As most investigators have the capacity to give an expert opinion on corruption and the cases investigated, such opinions are included in the Investigation Report

- Acquiring expert opinion from a person not involved in the case

Challenges in obtaining a testimony from witnesses

- Promoting public awareness about corruption, to ensure that allegations of corruption are made to the relevant authorities in a timely manner that would avoid delays in investigation and prosecution
- Taking necessary action to expedite the criminal justice process in corruption cases
- Informing witnesses that they may have to give a testimony at court, and developing a system where such witnesses are given the opportunity to familiarize themselves with the case

Requesting Criminal Prosecution in cases that can be solved by taking an administrative action

- It has been observed that the most reasonable and justifiable course of action for some of the cases sent for prosecution by the ACC would be to settle the damages by taking administrative action rather than a criminal prosecution.
- With reference to the facts of the case, the offense and the intention of the accused, identifying if taking an administrative action is more justifiable than initiating a criminal proceeding
- If the ACC finds that taking an administrative action to remedy the damages is more justifiable than initiating a criminal case, taking the necessary steps to inform the relevant authorities to remedy the situation, rather than forwarding the case to PGO

Conclusion

Unlike other criminal offenses, Corruption is an offense that directly impacts the society and effects the rights of every citizen. Therefore, by the end of a conference like this, which aims to fight against corruption, we should be able to identify the steps that need to be taken to safeguard the society from such offenses.

This paper analyzed the challenges in prosecuting the offenders of corruption, the reason for those challenges and how to overcome such challenges, thereby guiding all relevant authorities to take the necessary steps in the fight against corruption.

2.3 The Importance of Information Disclosure for Corruption Prevention and its Associated Challenges and Solutions

Information Commissioner's Office

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Introduction

Act number 1/2014, 'Right to Information Act' determines the principles by which the scope of the right to information in the Maldives is defined; and the principles by which providing the right to access information produced, held or maintained by a State Institute granted to any member of the general public, in order that the matters of the State be conducted with transparency and accountability.

The objectives of Information Commissioner's Office are as follows: -

- Establishing and defining the right to access and obtain information in any State Institute;
- To determine that the right to information shall not be granted in circumstances only specified under this Act, and even under the said circumstances, where the adverse impact to public interest by non-disclosure is greater than that of disclosure, determine the principles by which the said information is disclosed, in order to uphold the public interest;
- Encouraging widest circulation and publication of information documented in all government institutions
- Provide the right to proof read and amend one's own information documented in a government institution to ensure that the information in relation to that person is complete, accurate and not misleading

Overview

The Information Commissioner's Office is an institution that promotes corruption prevention in the Maldives. The functioning of this institution is based on accomplishing the duties and responsibilities of the Information Commissioner stated in this Act. Responsibility of employees include aiding and supporting the Information Commissioner in accomplishing all activities stated in the Right to Information Act.

Difference Between News and Information

In this document, the word 'news' refers to the news generally used in English language. It is assumed to have derived from the word 'new'. By this context, news means new events and new information. Another belief is that the word news represents the four cardinal directions of the earth (N – north, E – east, W – west, S – south). This makes it evident that news is very much related to the whole world. Information obtained from different areas of the world is news. Therefore, every news can be considered as a piece of information. However, every information may not necessarily be a news. News is a much more limited and restricted idea compared to information. For the use of this report, data and information would be referred in the same context as per the right to information Act.

People often refer to this age as the age of information. Thousands of tonnes of information “attack” on us every day. Surfing on internet itself provides a lot of relevant information. This is not news, but information. We search websites such as 'Sun', 'Haveeru', 'Miadhu', 'Vaguthu' and BBC, and we tune in to channels such as 'TVM', 'VTV', 'Channel 13', 'Raajje TV' and Jazeera TV for news. If we want to search for information we browse websites such as 'liyuntheriya', 'Fanvaiy' and 'Noorul-Islam'.

Information is a very influential thing that affects the behaviour and the values of people. For instance, if a manager of a company receives information regarding a drop in company profit, he/she will take further steps to reduce the cost of production next month.

News is something new that seizes the attention of people. This is one meaning of news. The other meaning of news is that it is the information broadcasted from news channels regarding the ongoing incidents around the world. However, this does not mean that news contains only such information.

Being fresh, new and different is a mandatory requirement for news. Every event that takes place may not be considered as a news. Many people are born into the world every day, but this cannot be news. Nevertheless, if the President gets a new born, it will become a hot news. Not because it is something new but because people are interested to know more about it.

Importance of Obtaining and Having Access to Accurate Information

It is imperative to obtain accurate information, especially about issues regarding the running of the government. This information is vital to assist the state in organizing work appropriately and preventing the dissemination of rumours that create anarchy in the society. Furthermore, the danger of not sharing accurate information is mentioned in the 6th verse of Surah Hujraath of the Holy Quran. Allah says, “O you who have believed, if there comes to you a disobedient one with

information, investigate, lest you harm a people out of ignorance and become, over what you have done, regretful.”

In this verse, Allah strongly orders to not to blindly accept all information from a disobedient person. This is to prevent harm or loss to the third party by your actions, unknowingly. The consequence of ignorance, being regretful emphasizes the significance of ensuring accuracy of information.

In this verse, news refers to the most rapidly spreading type of information. As stated before, news is the new and fresh information. Therefore, since such information will rapidly spread, the warning of caution is highlighted in the Quran. This will be a merit to us for it would enhance safety and serenity.

In a world connected by a network of information, the importance given to this phenomenon is increasing day by day. In the age of our Prophet, such issues did not arise as such and it was easier to find solutions for the problems. Therefore, finding accurate information in the right way is of immense importance these days. It is foolish to believe every information or status updated on Facebook. The degree of obedience of the person who updated the information is unknown. Moreover, the comments written on online news also require caution as most comments are written for the sole purpose of creating chaos.

The right to information is provided to all citizens by Chapter two of the Constitution. Additionally, Act number 1/2014, “Right to information Act” and the “Procedure for right to information” gazetted under this Act also ensure proper access and obtainment of information.

All citizens can get access to all the information documented in state institutions excluding some few exceptional cases stated in the Act. The 4th point of the Right to information Act dictates that it is an enforceable legal right of every citizen to obtain information maintained in State Institutes.

The request for information in a state institution needs to be done by the means of a form. If the requesting form is not available from a particular institution, the form prepared by Information Commissioner’s Office has to be used. If there is no response to the request within 21 days or if the response is unsatisfactory, the person can submit the issue to the appeal committee of that institution. If this is unsuccessful as well, the problem can be directly submitted to the Information Commissioner’s Office.

Challenges

1. Some State institutions believe disclosure of information is not important
2. Some State institutions do not believe that this is an effective method of eliminating corruption

3. Some institutions refuse to accept that providing information required by Right to Information Act is part of their official work
4. Some institutions cannot understand that disclosure of information present a better image of the institute in the society
5. The ideology of non-disclosure is still rampant
6. Extending the duration of reply to 21 days even for minor information
7. Some institutions do not cooperate with Information Officers
8. Few amongst the public are aware of this right
9. Journalists are unaware that Media Officers and Information Officers have two different responsibilities
10. Journalists are unaware of the responsibilities of the Maldives Media Council, Maldives Broadcasting Commission and the Information Commissioner of the Maldives
11. Lack of cooperation from offices for information dissemination
12. Few number of people participate in awareness programmes and meetings
13. Institutions do no inform respective employees for meetings
14. Employees are unable to participate in pre-informed meetings as they are on leave
15. Members of the meeting not answering to phone calls
16. Information Commissioners appointed in some institutions do not answer calls
17. Some institutions resist giving phone number of senior staff
18. Information of newly appointed Information Officers not updated
19. The problems submitted to other institutions are not investigated and concluded in due time
20. Purposeful delay or not sending reply to letters from Information Commissioner's Office.

Solutions

1. Conduct more awareness programmes
2. Civil Service Commission can give information regarding right to information to all responsible heads and Civil servants
3. Journalists need to learn the responsibilities of Media Council, Broadcasting Commission and the Information Commissioner.
4. Anti-Corruption Commission should enhance their work in enforcing the Right to Information Act since it will ease their work as well.
5. All state Institutions under taking their duties stated in the right to information Act

Conclusion

This document mainly highlights the difficulties faced in implementing the right to information Act and some solutions for them.

2.4 Causes of Corruption and Counter Measures Identified in the Audits of Public Institutions and Companies

Auditor General's Office

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Introduction

This paper focuses on the discoveries of Audit Reports on the causes of corruption in government authorities and State Owned Enterprises (SOEs) with remedies to overcome such issues. As such, acquiring goods and services through bidding processes and violating public finance law and regulation on various stages of managing public finances and accounts are the most commonly reported areas of corruption in Maldives which involves breaching of laws and regulations, embezzlement, bribery, personal gains and providing undue advantage.

Key Findings - Audit Reports:

Some of the cases mentioned in this paper are ongoing investigations by Anti-Corruption Commission (ACC) and Maldives Police Service or completed cases which have been forwarded to Prosecutor General's Office for prosecution. During the year 2016, the Auditor General's Office published 179 audit reports which included 1112 issues with monetary values. This comprised of 953 cases involving violation of laws, regulations and policies, 128 cases related to money/assets to be recovered by the state and 31 cases related to corruption and embezzlement.

The audits revealed that the highest number of cases were related to violations of laws, regulations and policies in which the financial losses stand at MVR 34 Million. Amongst, were issues related to violating the Public Finance Regulation in the procurement processes of goods and services. Likewise, malpractices related to awarding projects, public financing, receiving goods and making payments are being emphasized. In the cases of awarding projects, transactions involved a total of MVR 10 Million. Total MVR 2.9 Billion is expected to be recovered by the state. These includes, payments for several state institutions, loan repayments, liquidated damages, and money lost due to corruption and embezzlement. The amount to be recovered by the state in the cases of corruption and embezzlement amounts to MVR 628 million.

The alleged 31 cases of corruption and embezzlement include missing money from payments made to state institutions and money entrusted with employees. According to the audit reports, such cases involved transactions of a total of MVR 1.3 Million.

Fifty-nine percent of the types of cases being highlighted in the audit reports are related to executive decisions of the management and lack of proper counteractive measures. Moreover, regarding the cases where administrative staffs were involved, main issues include inappropriate documentation and matters related to procurement, issuing of salary and incentives. 84% of such cases occurred due to negligence at approval stages.

Corruption and Embezzlement Cases Identified in the Audit Reports and Its Causes

Mentioned below are details of some of the corruption and embezzlement cases extracted from various audits conducted by the Auditor General's Office.

1. Double Payments

During 2005, Disaster Management Centre had procured numerous materials required to rebuild and recuperate the damaged properties and islands after the catastrophic Tsunami which destroyed several houses and infrastructure. These materials were purchased by sending "purchase order forms" to potential sellers. A lot of these forms were sent to company A, by the Disaster Management Centre in the year 2005. However, company A is not a company that imports and sells these materials in Maldives. Thus, Company A supplied the government with the requested materials through Company B. Since the originals of the purchase order forms are required to send along with the bills for payment, all of the original forms sent to company A were sent to the Disaster Management Centre by company B, with the bills of the year 2005. The money for the bills were settled by the government in 2005.

After the bills of 2005 were settled by company B, in the years 2009 and 2010, company A submitted more than 700 bills along with copies of the same purchase order forms and requested money from the Disaster Management Centre. The bills were approved by the management of the organisation and payment vouchers were prepared and sent to Ministry of Finance and Treasury.

Since 2009, all invoices submitted for payment were processed through the "SAP" system, Ministry of Finance approved them. When all the bills were submitted through the system, more than 170 duplicate invoices were rejected by the system. These transactions involving photocopy of purchase order forms for which payments have been previously settled in 2005, were approved by management of two public institutions.

1.1. Causes

- (a) Absence of a safe and accountable environment for financial transactions and management in the Disaster Management Centre.
- (b) Abuse of power or position held by staff requesting payments for the bills violating the Public Finance Regulation.
- (c) Lack of thorough review before granting approval for the bills by the top management of the Disaster Management Centre.

2. Paying for Services Not Rendered

In 2009, a Maldivian company was awarded a tender of worth more than MVR 12 million of medical equipment and consumables for the hospitals in Maldives. The tendering was processed by Tender Evaluation Board. However, the contract awardee had never imported such goods to the Maldives and neither held licence to import medical equipment at the time.

Tender evaluation Board made a contract with the company to proceed with the work by signing an agreement with the relevant ministries. After signing the agreement, the company wanted to open a Letter of Credit (LC) under company's name from government funds. However, before assigning a contract the evaluation committee has to ensure whether the contractors have financial capacity to carry out the proposed task. And it is the responsibility of the contractor to open the LC. However, as per the request of the assigned company, government has opened an LC of 100% margin at the bank under the company's name.

The company has failed to supply the items which was to be supplied on the agreed time frame and once medical consumables were exhausted, the ministry assigned STO to supply the materials urgently on several occasions. Despite their failure to supply stock for more than a year, no action was taken against the company and the company was not dismissed as well.

The company assigned to perform the task though not having supplied the items, have submitted invoices directly to the Ministry of Finance, without approaching the relevant ministry who has assigned this task. In addition, the funds which was kept to open the LC amounting to MVR 12 million was also released to the company by the Ministry of Finance although the company has failed to supply the items under the contract.

2.1 Causes

- (a) Though the incapability of the company was noticed during the tender evaluation stage, for the motive of gaining undue advantage it was awarded to the under qualified party
- (b) Works were not assigned by the Ministry of Finance according to the recommendations given by Anti-Corruption Commission.
- (c) Goods need to be delivered to the Ministry of Health, but the person who signed as the goods receiver is an employee of the Ministry of Finance, this lead to loss of control and regulations specified in the Public Finance Regulation.

3. Deliberately Delaying Recovery of Unsettled Payments to The Government

An advanced payment of MVR 3.4 million was given to a company to build a mosque. However, before completion of mosque, the agreement was terminated due to ceasing construction. However, once terminated, the company has not returned MVR 3 million which was issued as advance payment. Ministry of Finance halted the efforts carried out by the Ministry of Islamic Affairs to recover the advance payment and recovery was extended to one year by request of Ministry of Finance. In addition to this, advance payment guarantee period was also extended and later another 6 months was added after the expiry of the extension. Termination due to discontinuation of the project involves recovering the money given as advance payment. Although they did not deposit the remaining amount of the advance payment to the public bank account, their request to delay the payment was accepted several times. As the bank guarantee has also expired, there is no possibility that bank can deliver this money to government.

4. Receivables Deposited to a Private Individual Account.

Money amounting to USD 65.01million, which is issued as acquisition cost to acquire islands, lagoons and lands to develop tourist resort, hotels etc. to MMPRC and receipt issued from MMPRC was found deposited to an individual's account. Similarly, this money was not evident from the company records, as payments due to be received. Among all the cheques deposited to the individual's account, a single cheque amounting to USD 800,000 was made in the name of a private company. However, rest of the cheques were made under MMPRC's name as the beneficiary. The managing director at that time has signed on the back of the cheques and thus deposited them to the individual's account.

4.1 Causes

A huge amount of money which needs to be received by a 100% State Owned Enterprise was not recorded and deposited to an individual's account due to the following reasons:

- (a) Ineffective internal controls in place for receivables, expenditures and other financial transactions. After receiving money, payment receipts were issued manually and not generated from the accounting system.
- (b) Ineffective internal controls in the banks for receiving endorsed cheques. Rather than approving and processing cheques that abide by the Board Resolution of the companies sent to the bank; stating requirement of signature of two or more staff, cheques with signature of one of the staff were processed.

5. Lending One Million USD to a Private Company and Claiming that the Money was Repaid with Interest

One Million USD was issued under an agreement signed between Maldives Marketing and Public Relations (MMPRC) and a private company A on 13th April 2014. This money was collected from Maldives Tourism Development Corporation (MTDC) as a loan by MMPRC on 10th April 2014 stating that it needs to make an urgent payment to a foreign party. On 13th April 2014 the money was given to company A, mentioning that it should be returned with an interest of 1.15 million USD before 10th May 2014. The loan initially taken from MTDC has been settled from the money received as acquisition cost of a leased island by MMPRC. It was noticed that deceptive efforts have been made to indicate that Company A has made the payment to MMPRC.

As such, letters given to the Audit General's Office by MMPRC (dated 14 May 2014) prepared under the letterhead of Company C stated that the money 1.15 Million USD which company A owes to MMPRC and the money 1.103 million USD which company B owes equivalent to total of 2.25 million USD will be paid on behalf of company A and B by company C. A total of 2.25 Million USD was deposited to MMPRC account from company C on 15 May 2014. Company C has ensured Auditor General's Office that this payment does not include the money owed by Company A. Thus, the money which deposited under the name of company C was not the money that has to be deposited from company A, but was the money that has to be paid as the acquisition cost of an island leased to Company B. Company C further elucidated that they had never sent the above mentioned letter to MMPRC, stating that the payment is made in the name of another company.

Therefore, it is noticed that deceptive efforts were made to show that money which was received as the acquisition cost of the island leased to company B is the money which has to be received by

company A to MMPRC. In fact, the 1.15 Million USD which is to be received from company A to MMPRC was not paid to MMPRC neither by the company A itself nor by any other company. It was evident that the case involved abuse of power and forgery of payment documents.

5.1 Causes

- (a) Due to problems with the internal financial transactions procedure. No proper records of the money to be received from the leased islands were documented.
- (b) Abuse of position to submit forged documents.

6. Conclusions of the Audit Reports

From the reports which have been published, it is clear that the following 05 major reasons were found to instigate corruption in public financial transactions.

- (a) Lack of guidelines and policies for financial transactions and current policies practiced are ineffective,
- (b) Internal controls necessary for financial transaction were not established,
- (c) Not following the procedures and guideline set for the institutions to deal with financial transactions,
- (d) Abuse of position and power,
- (e) No actions were taken against the parties who does not adhere to the rules and regulations.

Conclusion

Generally, the main cause of corruption in public financing is due to lack of implementation of rules and regulations by the management and staff of institutions. Lack of enforcement is also associated with no action being taken against those who do not follow rules and regulations. The rules and regulations also need to be modified along with the changes being brought to the public financial system. Delays in the establishment of new internal controls through amendments to laws and regulations gives a sheer opportunity for corruption to take place.

2.5 Problems, Challenges and Solutions on Investigating Fraud and Embezzlement Cases

Maldives Police Service

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Introduction and Purpose

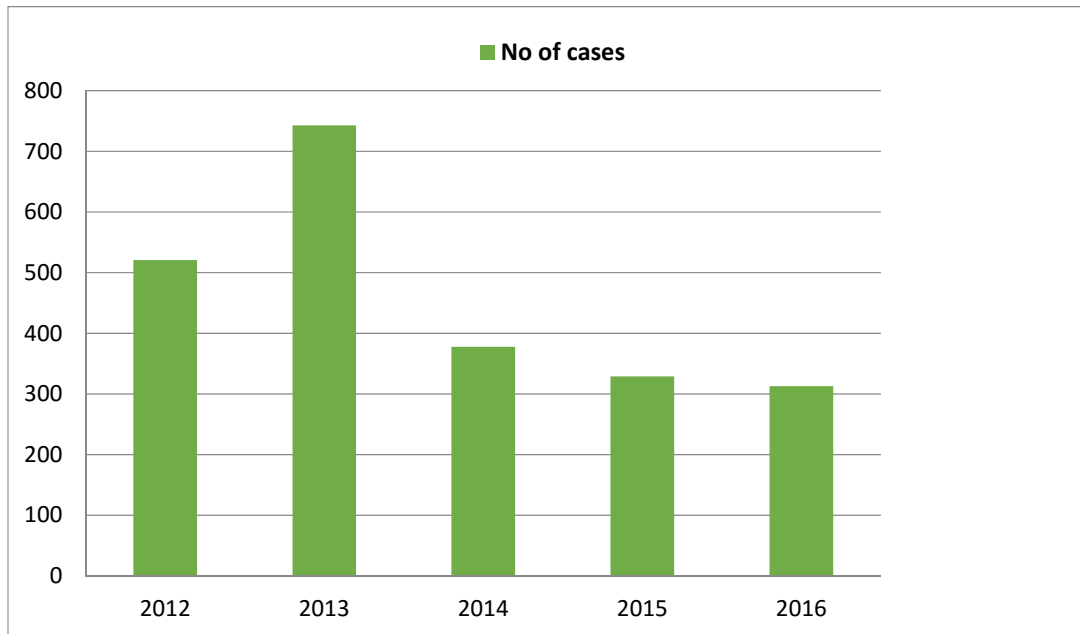
This paper examines observances made by the Maldives Police Service in investigations of cases of fraud and embezzlement. These include identifying the possible causes of those offences, determining methods that could be undertaken to prevent and deter them, finding relevant evidence to prove guilt in the court proceedings, analysing the challenges faced by witnesses to give their statements, obtaining documentary evidence and verifying information, getting documents needed for investigation from related offices, and discussing challenges faced by investigation officers while determining positive and more effective working practices that could be adopted to resolve those issues.

Overview

As per the relevant laws and regulations, the cases that fit into Maldives Police Services' investigation mandate are divided into several categories based on its weightage. Likewise, fraud and embezzlement cases having a monetary value below MVR 50,000/- (fifty thousand) will be investigated by the General Investigative Department while the cases with a monetary level above 50,000/- (fifty thousand) will be investigated by the Economic Crime Department. However, these type of cases that are lodged to the Atoll Police Stations will be investigated by the respective Police Station itself. If any case requires further assistance due to its type, the required support will always be provided by the Economic Crime Department. Cases are categorized likewise for administrative ease and to prioritize important cases.

Maldives Police Services' statistical data revealed that, one of the highest number of cases lodged to the Service are fraud and embezzlement related. In fact, during the past 5 years, 2000 cases that fit into this category were lodged to the Service and several of these cases have been forwarded to the Prosecutor General's Office for prosecution. However, due to insufficient evidence, some of the cases have been filed.

Statistics of Fraud and Embezzlement Cases from 2012-2016



Result/Outcome

Problems Observed

Unavailability of original documents related to the cases investigated by Maldives Police Service is one of the difficulties faced while investigating cases of fraud and embezzlement. In addition, delays in receiving transactions made from financial institutions make it difficult to investigate such cases while keeping the suspect in detention.

Late lodging of complaints is another major obstacle for investigating fraud and embezzlement cases, as it consumes more time than expected to send the case for prosecution.

Moreover, as most of the embezzlement crimes do not occur within documented processes, it is challenging to obtain sufficient evidence to convict the suspect to such offences.

A frequently faced barrier associated with investigating embezzlement cases are that the exact date of these offences are usually unidentified. Furthermore, unavailability of CCTV footages from some companies and offices exacerbate the barrier. Also, lack of records on which employee undertakes the responsibility of office opening and closing causes complications to conduct the investigations.

Causes of Observed Problems

There are difficulties in obtaining original documents for fraud and embezzlement cases. Hence, copies of these documents have to be obtained. When using such copies as an evidence in court, the

copies cannot be utilized as a comparison to the suspect's signature and handwriting. Furthermore, due to the delays in obtaining necessary documents from the financial institutions, there have been instances in which the suspect has been released from custody as the suspect can only be remanded in custody before trial for 24 hours. This obligation of releasing the suspect from custody can influence the evidences of the case or increase the chances of alteration of evidences which could ultimately reduce the likelihood of conviction.

As some of the fraud and embezzlement cases are lodged to the Service long after the actual incident, several challenges are faced such as the witnesses emigrating to foreign countries, or being unable to get their address or contact number to take their statements. This excessive time required to reach witnesses further prolongs the entire case. In cases that involve foreign suspects, there are instances where the suspect leaves to their home country or when it is unable to obtain the suspect's present address, the case could not be further investigated.

It has been a challenge to gather sufficient evidence for cases related to fraud. Mostly lack of evidence are usually unveiled among expatriates due to lack of awareness of procedures that need to be followed. Furthermore, these challenges are also faced because such actions are usually carried out among the informer and the suspect alone which acts as a barrier for obtaining evidence.

Another challenge in investigating cases of embezzlement arise due to the difficulty in identifying the actual date or time of the incident. Further, most organizations lack strict rules and regulations on receivables, payments and procedures in depositing and managing cash in safe. Additionally, lack of maintenance of the CCTV cameras at such organizations add to the challenges. In cases where the actual time of incident is unknown, it is also a challenge that the organizations do not have a well-managed attendance record system from which Maldives Police Service could investigate attendance records of people who have been in and out of the organization during the suspected time period.

Recommendations

Due to the challenges faced during the investigation of fraud and embezzlement cases, we recommend the following actions/measures in order to overcome such challenges.

1. Conduct awareness programs regarding fraudulent acts.
2. Maintain the records of the original documents of all transactions.
3. Report the acts of fraud and embezzlement to relevant authorities as soon as possible without any delay.
4. Document daily transactions.
5. Establish an effective accounting system.

6. Keep documented record of the staff responsible for opening and closing the office and follow proper security procedures in opening and closing the office.

Conclusion

As lack of authentic information is considered to be a major cause of fraud and embezzlement cases, raising public awareness on the issue has been identified as a key preventive factor. It has also been noticed that immediate reporting of these offences and generating significant information to relevant agencies are critical in conducting investigation to build stronger cases against offenders. Lastly, a well-maintained filing system that keeps the record of original documents relating to fraudulent and deceptive dealings is highly important for the prevention of these offences.

2.6 Challenges and Counter Measures in Investigation of Large-Scale Corruption Cases

Anti-Corruption Commission

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Introduction

This research paper aims to identify the main challenges faced by the Anti-Corruption Commission (hereafter referred to as ACC) in investigating large-scale corruption cases and the reasons for the said challenges. The purpose of this research paper is to overcome those challenges by proposing solutions and sharing those solutions with the relevant institutions.

The information in this research paper is based on the data collected by surveying 44 investigators of the ACC.

The reasons for the main challenges

Insufficient Cooperation by State Institutions

The survey showed that 88.48% of the respondents believe insufficient cooperation by State Institutions to be a serious concern in investigations. The main issues identified under this subsection are as follows:

- *Inadequate Response to Document Warrants*

Poor record keeping procedures in state institutions are one of the main reasons for the slow response to document warrants, due to the time and energy that needs to be invested in order to locate the required documents. Additionally, documents are often misplaced as there are no standard procedures to hand-over documents and records when state-owned/shared Companies or public institutions are dissolved or taken over by another institution.

- *Failure to provide documents when investigators enter premises with a Search Warrant*

The reasons why public institutions and state-owned/shared companies fail to provide the required documents include; internal procedures of the institute do not allow documents to be released without permission from a managerial level staff, some state institutions claim that their documents and information are obtained through special privileges to that particular institution, and therefore according to their policies they cannot be shared with another institution, some documents do not

have a particular employee who has authority over them, which makes other employees hesitant to share the documents, poor record keeping, some institutions are unaware of the powers given to ACC and the consequences of denying requested documents.

- Refusing to provide information about persons associated with investigations

It has been found that the state employees are hesitant to provide the said information due to non-disclosure agreements with the employer, and not being sufficiently informed about the legal powers and authority of the ACC, which creates a legal obligation to provide the requested information. Additionally, the inability to ensure unconditional legal protection to whistle-blowers, and poor recording keeping by state institutions are factors that contribute to this issue.

Loopholes in Law

More than 96% of the respondents believe that the loopholes in the Laws governing offenses of corruption are a serious issue, while 65.91% of the respondents believe that this issue needs to be resolved promptly.

- A Legal definition of Corruption has not been provided in the Law

Article 23 of the Anti-Corruption Commission Act (Law no. 13/2008), hereafter referred to as ACCA, defines corruption as the “offenses stipulated in, Law on Prevention and Prohibition of Corruption (Law no.2/2000)”, hereafter referred to as PPCA.

The drawback of the definition given to corruption in Article 23 is that, the offenses ACC can investigate is strictly limited to the offenses in the PPCA, and does not include new offenses related to corruption introduced by other Acts.

Consequently, ACC does not have the jurisdiction to investigate money laundering offenses that involve corruption because these offenses are not stipulated in the PPCA. Furthermore, due to way corruption is defined in Article 23 of the ACCA, it is not absolutely certain that ACC has the jurisdiction to investigate the corruption offenses stipulated in the new Penal Code (law no 9/2014).

- The following offenses in the PPCA are not included in the new Penal Code:
 1. The offense of offering a bribe to a person without powers to fulfil the purpose for which bribery was offered. (Article 6 of PPCA)
 2. Informing about attempting to offer bribery and the offer of bribery. (Article 9 of PPCA)
 3. Where the purpose of the bribe is not served. (Article 10 of PPCA)
 4. Establishing that it is not bribery. (Article 11 of PPCA)
 5. The offense of acting in a manner which precludes an advantage to the public or the State where a benefit exists. (Article 13 of PPCA)

6. The manner of business dealings by the Chief Justice, Speaker of the Parliament, Ministers of the State and Employees of the Government. (Article 15 of PPCA)

From which, Article 13 of PPCA (the offense of acting in a manner which precludes an advantage to the public or the State where a benefit exists), is an offense involved in most cases investigated by the ACC. The fact that these offenses are not included in the new Penal Code raises the question whether such cases can be investigated by the ACC, after the new Penal Code came into effect on 16th July 2015.

- *Illicit Enrichment is not an Offense*

Maldives is party to the United Nations Convention Against Corruption, hereafter referred to as UNCAC, which encourages its State parties to make illicit enrichment a criminal offense. The significant increase in assets and expenditure of a public official, which cannot be explained in relation to his or her lawful income, is one of the biggest concerns raised by the public. However, since illicit enrichment is not an offense in the Maldives, even though such gains are observed in investigations, ACC cannot investigate such persons unless there is another allegation of corruption against the said person.

- *The new Penal Code gives a narrower definition to Public Officials*

Employees of State-Owned Companies do not fall within the definition given to “public officials” in Article 530 (d) of the new Penal Code. As a result, the corrupt actions of such employees do not fall within the offenses in section 510 (Bribery and Official Misconduct Offenses) of the new Penal Code, and becomes an obstacle in prosecuting such employees.

Although government companies and government shared public companies and employees thereof fall within the jurisdiction of the ACC under Article 24 of the ACCA, the offense of obtaining or giving an undue advantage by an employee of a state-owned company is not an offense in the new Penal Code.

Challenges faced in the Prosecution of Cases Investigated by ACC

More than 96% of the respondents believe that the challenges faced in the prosecution of cases investigated by ACC to be a serious issue, while 65.91% of the respondents believe that this issue needs to be resolved promptly.

- *The standards used by the Prosecutor General’s Office to proceed with prosecution, are not clear to the ACC*

As the regulations adopted by the Prosecutor General's office, hereafter referred to as PGO, in deciding whether or not to prosecute investigated cases, are not accessible to other state institutions, it becomes an arduous task to decide whether to send a particular case for prosecution.

- Challenges in obtaining a Court Order

Art.2 of the ACCA gives the ACC the power to sue and suit against on its own capacity. However, the Supreme Court in its case Number 2012/SC-A/21 ruled that court orders necessary for investigations conducted by the ACC should be obtained through the PGO. The need to obtain a court order through a third party resulted in delays in investigation, and inability to obtain said court orders in a timely manner.

- Challenges in Investigating Cases involving State-Owned Companies

98.86% of the respondents believe that the challenges faced in the prosecution of cases investigated by ACC to be a serious issue, while 73.86% of the respondents believe that this issue needs to be resolved promptly.

- State-Owned/Shared companies are used as a façade in large-scale corruption cases

Art.10.27 of the newly enacted Public Finance Regulation (Regulation no 2017/R-20), hereafter referred to as PFR, allows the state to award mega-projects to companies that have a state share, without any form on bidding or tendering process. This thereby facilitates corruption as those companies can subcontract with any other company without opening for tender. As these projects are awarded without opening for tender, it increases the cost of the project compared to when a project is awarded through a competitive bidding process.

The best solution to this challenge, in order to promote transparency and fairness, would be to amend Art.10.27 of the PFR (2017), so as to allow a fair bidding process which would prevent corruption. Furthermore, when awarding a state project to a company in which the state hold shares, ensure that the company has the capacity to undertake the project and that the project is part of the purpose of the company.

- The procurement and recruitment policies of State-Owned/shared companies facilitate corruption

It has been observed that the internal procedures on some state shared companies are not compatible with the international best practice and corporate governance regulations. Particularly the procurement and recruitment policy and policies related to procurement which facilitates

corruption. Furthermore, most companies do not have Board Committees as proposed by the Corporate Governance Code.

Administrative difficulties in Investigating

More than 88.64% of the respondents believe that the challenges faced in the prosecution of cases investigated by ACC to be a serious issue, while 44.32% of the respondents believe that this issue needs to be resolved promptly.

- *Insufficient Budget*

It has been noted that the ACC do not receive a sufficient budget and the most recent facilities and equipment to expedite the investigations. As a result, it is unable to carry out investigations to the recommended international standards. Furthermore, as the ACC does not have financial independence, it is unable to complete important cases within the desired timeframe.

ACC faces challenges in receiving sufficient budget and resources because the relevant authorities do not cooperate as required. Within the last three years, the ACCs budget has been reduced every year.

- *Shortage of Human Resources*

One of the biggest challenges faced in investigating large-scale corruption cases is that the ACC does not have the necessary level of technical and experienced staff crucial to investigate modern corruption, which can be highly complex and technical. Reasons for this shortage of staff is the insufficient budget to train employees, as well as limitation of people in the Maldivian job market, with the specialized technical skills to investigate corruption.

Furthermore, retaining experienced staff and employees with specialized technical expertise is a challenge. Better employment opportunities, remuneration offered from other employers, failure to provide the remunerations specified in the Human Resource Policy of the institution, and differentiation by the Ministry of Finance and Treasury in providing financial benefits to employees of the ACC and other institutions, are factors that contribute to the high turnover rate in the ACC.

SOLUTIONS TO THE MAIN CHALLENGES

Insufficient Cooperation by State Institutions

Inadequate Response to Document Warrants, can be resolved by;

- Adopting proper record keeping procedures

- Ensuring that the responsible employees are held accountable. This can be done by thoroughly explaining the specific responsibilities to the employees, and by taking action against employees who are negligent.
- Establish a standard procedure to hand over the documents and records when public institutions and state-owned companies are taken over by another institution or if they are dissolved.

Failure to provide documents when investigators enter premises with a Search Warrant, can be resolved by;

- Ensuring the accountability of state employees by explaining the offenses of obstructing administration of law and other government functions
- Ensuring that internal policies of state instructions allow investigating bodies of the government to perform their functions effectively
- Establishing an efficient hand over process when an employee takes any kind of leave from work, so as to keep clear records of the person responsible for the duties of employee in his/her absence.
- Establishing an effective archive and filing system
- Taking action against institutions that refuse to cooperate with investigation bodies of the state.

Refusing to provide information about persons associated with investigations

- Inform and educate state employees about the powers of the ACC, including the power to request and obtain information about persons associated with an investigation, and the legal obligation of state employees to provide such information to the best of their knowledge.
- State institutions shall strive to draft their internal policies in a manner that promotes integrity and does not hinder the Commission from carrying out its responsibilities.
- Maintain an up to date record of the personal data of their employees and their responsibilities.
- Ensure and explain the protection given to whistle-blowers.

Loopholes in Law

- *A Legal definition of Corruption has not been provided in the Law*

The ACC has proposed amendments to the Attorney General's Office, to redefine Article 23 of the ACCA, as well as how to determine offenses that fall within its jurisdiction. Regrettably, the Attorney General has not proposed these amendments to the Parliament, to date.

To redefine Article 23 of the ACCA as proposed by the ACC, so that new offenses that include the elements of corruption can be investigated by the ACC.

- *The following offenses in the PPCA are not included in the new Penal Code*

The ACC has proposed how the offenses in the PPCA which are not included in the new Penal Code, can be implemented into the new Penal Code and how such offenses should be graded. These amendments had been proposed to the Attorney General on 29 December 2015. In order to solve this issue, the Attorney General shall forward these proposals to the Parliament as soon as possible, so that the proposed bill becomes a law.

- *Illicit Enrichment is not an Offense*

When illicit enrichment by itself is criminalized, it becomes a deterrent factor to other offenses which leads to unexplainable increases in wealth. On 29th December 2015, ACC has proposed to the Attorney General to criminalize illicit enrichment in the new Penal Code. In order to solve this issue, the Attorney General shall forward these proposals to the Parliament as soon as possible, so that the proposed bill becomes a law.

- *The new Penal Code gives a narrower definition to Public Officials*

The ACC has proposed amendments to the Attorney General on 29th December 2015, to include employees of state-owned/shared companies in the definition given to "public Officials" in the new Penal Code, as corruption committed by such persons is an offense. In order to solve this issue, the Attorney General shall forward these proposals to the Parliament as soon as possible, so that the proposed bill becomes a law.

Challenges faced in the Prosecution of Cases Investigated by ACC

- *The standards used by the Prosecutor General's Office to proceed with prosecution, are not clear to the ACC*

Due to the fact that ACC is unaware of the regulations used by PGO when deciding to prosecute, a number of cases sent for the prosecution were being sent back to the ACC for further investigations. Hence, in order to mitigate the existing gap between the investigation and prosecution, ACC signed a Memorandum of Understanding with the PGO on 23rd October 2016. This MOU ensures the smooth transition from the investigation stage to the prosecution stage through a 'duty prosecution' system

which facilitates meetings between the two institutions in order to discuss cases that are to be sent for prosecution.

- Challenges in obtaining a Court Order

After the Criminal Procedure Act (Law no.12/2016) came into force on 02 July 2017, enforcement agencies have the authority to request for a court order directly from the court rather than through the PGO, thereby the challenges faced before the Act in obtaining a court order in a timely manner, has now been resolved.

Challenges in Investigating Cases involving State-Owned Companies

- State-owned/shared companies are used as a façade in large-scale corruption cases

The best solution to this challenge, in order to promote transparency and fairness, would be to amend Art.10.27 of the PFR (2017), so as to allow a fair bidding process which would prevent corruption. Furthermore, when awarding a state project to a company in which the state hold shares, ensure that the company has the capacity to undertake the project and that the project is part of the purpose of the company.

- The procurement and recruitment policies of State-Owned/shared companies facilitate corruption

The Privatization and Corporatization Board, hereafter referred to as PCB, should closely monitor the companies in which the state own shares. Encourage companies to design their internal policies in such a way as to ensure that important issues are discussed by the management and the committees of the company before the Directors Board makes a final decision on such issues, so as to prevent corruption, and to make amendments to the regulations to ensure that the internal policies of such companies are endorsed by the PCB.

Companies need to amend their procurement policies to encourage the Directors Board to get recommendations from the Tender Board of the company before making a decision on awarding a contract. Creating Board Committees as suggested in the Corporate Governance Code will strengthen the organization and work of the company. The company policies should include a detailed explanation of the special circumstances that could be considered as an exception to the standard procurement policy of the company.

The recruitment policies of the companies should be amended to specify the situations in which new employees can be recruited without making a public announcement. This should only be due to the urgency of a special task that needs to be completed, or if it is certain that a public announcement for the post would not receive a proper response. Recruitment policy of the company should be

amended to ensure the endorsement of the Directors Board prior to the recruitment of employees for the aforementioned positions.

Administrative difficulties in Investigating

- *Insufficient Budget*

The investigations can be expedited when the ACC receives the required budget to carry out its investigations effectively, for which the cooperation from the relevant institutions, namely; the Parliament, the President's Office and the Ministry of Finance and Treasury, is absolutely necessary. Accordingly, the budget proposed by the ACC needs to be approved by the Parliament with due consideration, and the Ministry of Finance and Treasury should facilitate the smooth expenditure of the approved budget.

- *Shortage of Human Resources*

Recruiting the necessary technical staff from different relevant investigative fields, is important. Providing the budget to train employees in relevant specialized areas that would improve the skillset of current employees. Modifying the education system of the country in a manner that would provide the opportunities to study in specialized fields related to corruption, which would create more diversity in the job market.

In order to retain specialized technical staff and experienced employees, their remunerations should be on par with employees in other institutions with the same qualifications and experience. Employees should also be given remunerations they are entitled to according to the Human Resources policy of the institution.

CONCLUSION

This paper has analyzed the main challenges faced by the ACC in performing its constitutional obligation under Art.199 of the Constitution of the Maldives, to "...prevent and combat corruption within all activities of the State without fear.", and the methods to solve those challenges.

2.7 The Importance of Upholding Integrity in the Implementation of the Criminal Justice System (An Islamic Perspective)

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Introduction

A criminal justice system is fundamental for building a peaceful and harmonious society, and for ensuring equity, justice and fairness in the country. Therefore, it is essential to identify the challenges in implementing the objectives of such a system by conducting researches to find optimal solutions.

Hence, in order to find the elements and objectives related to the criminal justice system, a number of laws were reviewed. The reviewed documents include, the Constitution of the Maldives, the Maldives Penal Code, the Maldives Criminal Procedure Code (Act No. 12/2016), the Judicature Act Maldives, the Police Act, the Human Rights Commission Act, the Anti-Corruption Commission Act, the Prosecutor General Act and other relevant legal documents. In addition, information was collected through interviews with experts working in the field and by referring to relevant literature. Furthermore, the Quran and the Sunnah were referred in order to include information on the Islamic perspectives of the matter.

Background

Islamic Shari'ah gives prominence in ensuring peace and harmony in the society through discipline, ethics and values. The same is strongly implied by the principles and duties of the Islamic worship and its related laws. Therefore, in order to establish an effective criminal justice system, the investigating party, the prosecutor, the judiciary and the enforcement party should be fair and honest. As stated by Al-Imam Ibnul Qayyim Rahimahullah, "A deep thought on the laws enforced by the Islamic Shari'ah makes us comprehend the fairness of it. Allah, the Most Merciful and Knowledgeable has revealed a fair justice system that has given utmost importance to the welfare of the people".²²

²² Ibn al-Qayyim: Abu Abdullah Muhammad ibn Abi Bakr al-Jawziyah, the flags of the signers of the Lord of the Worlds. (DT, D, Cairo: Dar Al Hadith)

The Criminal Justice System and its Elements

From an Islamic perspective, the criminal justice system can be divided into two categories. The first category is cautioning and warning the people to follow the right path. The second category is enforcement of law and punishment after the crime has been committed.

First Category: Cautioning and Warning

The people are encouraged to perform good deeds and discouraged from doing bad deeds. Islamic Sharia's gives prominence to this as well. The messengers and the prophets of Allah (SWT) did most of their work in cautioning people and directing them towards the righteous path. It was done on a holistic ground, through the religious teachings and warnings.

The Quran has mentioned dishonesty and dishonest people in several verses. It has also emphasized on the wrongness and harmfulness of acts of dishonesty. Allah (SWT) said, "O you who believe! be not unfaithful to Allah and the Apostle, nor be unfaithful to your trusts while you know". (Surah Al-Anfal, verse -27)." And if you fear treachery on the part of a people, then throw back to them on terms of equality; surely Allah does not love the treacherous". (Surah Al-Anfal, verse- 58). Allah (SWT) also said, "Surely we have revealed the Book to you with the truth that you may judge between people by means of that which Allah has taught you; and be not an advocate on behalf of the treacherous". (Surah An-Nisa, verse-105).

In addition, the Prophet Muhammad (PBUH) has mentioned the grievance in dishonesty and treachery in his hadiths. As narrated by Al'Bhukhari and Muslim, Prophet Muhammad (PBUH) said, "The signs of a "Hypocrite" are three whenever he speaks, he tells a lie and whenever he promises he breaks his promise, and whenever he is entrusted he betrays". Prophet Muhammad (PBUH) has also mentioned in his hadiths the punishment for dishonest people on the Day of Judgment. As narrated by Al-Bhukhari, Prophet Muhammed (PBUH) said, "The dastardly raise his banner the Day of Resurrection is said to this treachery so and so son of so and so. Also Prophet Muhammad (SAW) said, "deceit, betrayal and trickery be in the fire".

Therefore, it is vital to carry out effective activities to eradicate corruption as research shows corruption has spread to all the corners of the world. According to Dr. Waheed (2009), "Corruption is the abuse of power or position by politicians, civil servants or businessmen in any system to gain a

personal benefit for themselves. These acts include bribery, deceit, trickery and use of power to gain personal benefit or to provide a benefit to another”.²³

Second Category: The Establishment of Justice

The criminal justice system consists of 4 elements;

1. Custodial and investigation phase
2. Prosecution phase
3. Hearing phase
4. Law Enforcement phase

First Element - Custodial and Investigation Phase: No citizen should be taken into custodial on the basis of a suspected criminal offense except in accordance with sections 44, 45,46,47,48 and 49 of the Constitution of Maldives. In addition, on some occasions commissions like the Human Rights Commission (HRC), the Anti-Corruption Commission (ACC) and the National Integrity Commission (NIC) are given the authority to perform relevant investigations, other than the Maldives Police Services (5/2008), which is the main investigative authority of Maldives.

Second Element - Prosecution Phase: According to the section 3 of chapter 10, the Maldives Criminal Procedure Code (Act No. 12/2016), criminal offenses will be litigated by the Prosecutor General. Additionally, as per the 4th section of the Maldives Criminal procedure code (Act No. 12/2016), “all the criminal charges should be sent to the courts as a case by the State. The litigation will be carried out in the name of the Prosecutor General”. This has also been mentioned in the section 223, the Act of Prosecutor General (Act No. 9/2008)

Third Element - The Courts of the Sharia: The courts that are mentioned in the section 6 of the Maldives Criminal Procedure Code (Act No. 12/2016) are; the Supreme Court of Maldives, the High Court of Maldives, the Criminal Court, the Drug Court, the Juvenile Court and the Magistrate Courts.

Fourth Element - Law Enforcement: As per the section 157 on chapter 27 of the Maldives Criminal Procedure Code (Act No. 12/2016), “if the offender is sentenced by the court to prison, then the court should order the enforcement party to carry out the sentence.”

The Objectives of Criminal Justice System

⁹ December 2009, Reference: PRO/NRK/2009/02²³

<http://presidencymaldives.gov.mv/Index.aspx?lid=73&dcid=4345>

The objectives mentioned in the Maldives Criminal Procedure Code (Act No. 12/2016), is to protect the rights of the accused at all times and carry out a fair and quick trial. All the procedures should be aligned to meet the above mentioned objectives.

In addition, the article 11 (b) of the penal code (9/2014) entitles legal protection of religion, life, lineage, mind and property to all the citizens. Hence mechanisms should be designed in a manner to incorporate the above mentioned entitlements. This is one of the main objective of the penal code.

Therefore, this objective can be achieved if the following points are taken into consideration;

1. Prescribe penalties that are proportionate to the blameworthiness of the offender and the seriousness of the offense
2. Safeguard guiltless conduct from condemnation as criminal and condemn guilty conduct as criminal
3. Prevent arbitrary or oppressive treatment of persons accused or convicted of offense
4. Define the limits of punishment and give fair warning of what is prohibited and the consequences of violation.

Moreover, in order to sustain the overall well-being of the community;

1. Establish system of prohibitions and penalties to deal with conduct that unjustifiably and inexcusably causes or threatens harm to individual and public interest
2. Limit and prevent from offending because of the penalties and punishments associated with such offenses.

The Challenges Faced in Establishment of an Effective Criminal Justice System

1. Absence of a crime free culture which encourages good deeds and discourages bad deeds
2. Budget and resource constraints: lack of importance given in funding for the establishment of state of the art technology in criminal justice system
3. Lack of centralization in the administration of the criminal justice system. Hence, no coordination amongst the different elements. For example: every judge works alone and also the three elements of the criminal justice system works in isolation
4. The prolonged delay of criminal justice cases
5. Lack of coordination between police, prosecutor, courts and the accused. Which results in unsolved issues and hence results in extension of the case
6. Lack of an effective system to monitor the criminal justice system. Unfair and unjust penalties and punishments
7. Lack of transparency in the criminal justice system. For example: the case reports are not shared with the stakeholders and there is no access mechanism available

8. Limited work or inefficient work done in gaining the trust of the public. For example; less or no workshops or seminars
9. Pressure from political parties on the judgment of the courts to turn it in their favor, by raising questions on the judgment of the courts and accusing the concerned parties.
10. Treating the court as a means of proving the innocence of a politician
11. Lack of honesty and engagement in acts of bribery and corruption
12. Offenders of different crimes are detained together, despite the difference in level or grade of offense
13. Obstacles in access to information
14. Loop holes in the laws or the laws being formulated to give unfair advantage to some parties.

The Solution for the Challenges Faced in Establishing a Criminal Justice System- from an Islamic Perspective

Islam prohibits the acts of lying, deceit, embezzlement and dishonesty. The dangers of these actions have been mentioned in the verses of the Quran and hadiths of Prophet Muhammad (PBUH). Al Hafiz Ibn Hajar Al-Asgalani said, "Being dishonest to people is considered as a major sin". Prophet Muhammad (PBUH) said," The dastardly raise his banner the Day of Resurrection is said to this treachery so and so son of so and so". Prophet Muhammad (PBUH) also said, "Deceit, Dishonesty and Embezzlement be in the fire"

In addition, in order to establish an effective criminal justice system, it has to be assured that the people appointed to carry out the responsibilities are knowledgeable and experienced. They should also be honest and well disciplined. The story of Prophet Moosa is mentioned in the Holy Quran. Allah (SWT) said," "O my father! Employ him, surely the best of those that you can employ is the strong man, the faithful one". (Surah Al'Qasas, verse-27). Therefore, being faithful and honest are two important characteristics.

Moreover, it is considered a form of trickery if the employees receive any forms of gift from the clients or customers. As narrated by Ahmed, Prophet Muhammad(PBUH) said," The gifts received by workers unrightfully is betrayal".

The Importance of Honesty in Criminal Justice System

Allah (SWT) has ordered all his servants to be honest. Allah (SWT) said, "Surely Allah commands you to make over trusts to their owners and that when you judge between people you judge with justice". (Surah An-Nisa, verse-58).

Similarly, as narrated by Al-Bukhari, according to Ummu Salamah, Prophet Muhammad (PBUH) said, "But I am a human being, and you are bound to me, and some of you may be sweet with his shield from some, so I will judge him in a way that I hear from him. And whoever has given him the right of his brother with something, he shall not take from him, I will cut him a piece of fire."

Likewise, Umar bin Abdul Aziz implemented important procedures and guidelines for passing judgments. He said, "in order to be a fair judge, a person should have five qualities. He should have knowledge of previous judgments, he should have a strong personality, should practice integrity, he should be respectful and should consult others".

Therefore, if the criminal judicial system had such appointees, then the public would have entrusted them with confidence. However, the biggest challenge for criminal justice system is the scarcity of erudite people who has qualities such as honesty and trustworthiness. In addition, there is an increase in appointees who gives prominence to own benefit rather than fairness and prioritizing the rights of people. Likewise, there is an increase in number of people who give importance to the worldly benefit and are egocentric.

The Islamic Criminal Justice System mainly protects five essential concepts. They are the protection of life, mind/ intellect, wealth, dignity and posterity. These are called the concept of five essentials (Magasid Al-Shariah).

In addition, Prophet Muhammad (PBUH) has mentioned the wrongness in being deceitful. As narrated by Muslim, Prophet Muhammad(SAW) said, "the Almighty said, my servants, I have forbidden injustice to myself, and I have made it forbidden among you. Do not be unjust, my servants".

Likewise, the Almighty said, "O who you believe! Be upright for Allah, bearers of witness with justice, and let not hatred of a people incite you not to act equitably; act equitably, that is nearer to piety, and be careful of (your duty to) Allah; surely Allah is aware of what you do." (Surah Al-Ma'ida- verse-8). Almighty also said, "And those who are faithful to their trusts and their covenant". (Surah Al-Ma'aarij, verse-32).

Similarly, Prophet Muhammad (PBUH) said “Do the trust to your trustworthy and do not betray your betrayal”. The job and its duties are a responsibility. Therefore, one should be truthful and honest during work. One has to be truthful to the promises undertaken by the job, as being dishonest might lead to a punishment. As narrated by Muslim, Prophet Muhammad (PBUH) said, “It is a trust, and on the Day of the Resurrection is a disgrace and scarcity, except for those who took it to their right and led it to it.”

Furthermore, during the Abbasid Caliphate, Al-Imam Abu Yoosuf advised Al-Khalifa Haroun Al Rashid. He said, “Oh Khalifa, Allah has bestowed a huge responsibility upon you. If you undertake the responsibility with truthfulness, you will be bestowed with righteous deeds. But if you become careless then there will be retribution from God. You are holding the responsibility of sustaining the well-being of the whole humanity. Be protective of the rights of people when the sun rises and the sun sets. Be honest to the mankind and minimize the suffering of humankind. Do not be careless on the affairs of people. The power is in the disposition of God. So hasten yourself in doing well for the people. Even if it is a society or a building, if it is not built on integrity, it would not last. And the building, the builders and the helpers will be forsaken by Allah”.

Recommendations

The following approaches can be undertaken to uphold integrity in the implementation of the criminal justice system

- Create a culture which fosters good deeds and prohibits bad deeds
- Promote the principles of “Hisbah” and employ its expertise
- Inculcate honesty in education and upbringing to create a crime free culture
- Recognize and celebrate the role models of honesty and trustworthiness
- Build professional people, give them responsibilities and make them accountable
- Abide by the Right to Information Act
- Eliminate the loopholes that are in the law which are made to be beneficial to some parties only
- Enforce punishments on people who use their power unrightfully
- Implement the principles of Islamic Shari’ah
- Practice transparency and implement effective procedures in law enforcement
- To elevate the standard of living, facilitate opportunities for increasing the income of the citizens
- Identify the challenges in the criminal justice system and work at the national level to solve them

- Conduct workshops at the national level to stop corruption
- Create awareness on the dangers of corruption and work against it

If the above mentioned approaches can be implemented, then it is likely to help in curbing the deep roots of corruption that exists today.

Conclusion

It is important to identify the challenges and its counter measures on upholding integrity in the implementation of a criminal justice system. All of these can be related to our faith and belief. Hence an effective outcome can be reached by only making our faith and belief stronger.

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English translation of Quran

<http://vnews.mv/31870>

<http://presidencymaldives.gov.mv/Index.aspx?lid=73&dcid=434>

2.8 Challenges and Counter Measures in Prevention of Money Laundering

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1. Introduction and Purpose

Circulation of black money or money from crime is economically damaging and equivalently threatening to a society. The main purpose of this research is to identify the reasons behind the generation and accumulation of black money in the Maldivian economy and examining the challenges faced by enforcing and investigation authorities that work on purging black money and to highlight solutions for these challenges. For the purpose of this research, black money is identified as “money from crimes”; as described in Chapter 8 of Act no. 10/2014: Prevention of Money Laundering and Financing of Terrorism Act.

2. Legal Framework

Before 10/2014 Act (Prevention of Money Laundering and Financing of Terrorism Act) was effective, statutes against money laundering came with other different Acts of criminal offences. This is evident from the formerly followed Drug Act of 1977 and the Drug Act currently in effect since 2011. Chapter 6 of the aforementioned Act declares that earnings from dealing drugs are prohibited and transactions from those gains are considered as criminal offences. Also, chapter 10 of the same Act states that the government has the right to seize cash and assets obtained from such offences. In fact, there have been cases in which such assets were seized by the state following court orders.

Drug Act of 1977 was an important and effective Act to curb the circulation of black money from offences related to narcotics as it acts as a medium for law enforcement agencies to work against the distribution of black money. However, due to the need for combating enhanced techniques and developments of drug dealers, a more effective drug act was passed on 31st December 2011. This Act made it a responsibility of the perpetrators of drug cases to prove the legitimacy of the cash and assets they had earned. This gave tremendous benefits to related authorities in identifying black money from illegal narcotics trading.

However, like many other laws, Penal Code of Criminal Procedure Code (in enforcement since 1981) does not include such acts. Due to this, it is difficult to trace black money obtained from offences other than drug cases. This absence provides a barrier to identify black money obtained through

offences other than drug dealings, proving such transactions, seizing black money and controlling the flow of black money rather challenging.

Instead of repeating the same articles to prohibit the utilization of black money on each of the crime related Acts, criminal justice system of most foreign countries have in effect a separate Act related to money obtained from the proceeds of crime, which include articles that will be implemented on certain defined crimes. Likewise, in “Maldives Penal Code” (Law no 6/2015) which is in effect since 16 July 2015, crimes such as use and possession of money obtained by illegal means are clearly defined. If these articles are implemented thoroughly, the use and possession of profit and cash obtained from the proceeds of crime can be minimized considerably.

Additionally, “Prevention of Money laundering and Terrorism Financing Act” (Law no: 10/2014) which came into effect in 2014, gives clear definition of the property obtained from the proceeds of crime, its types and the offence of money laundering. It further describes the procedure on how to identify and seize the money and property used for money laundering, freezing of bank accounts and confiscation of illegal gains. As per the Act, if serious crimes like corruption, drug related crimes, and organized crimes enables its perpetrator to generate the proceeds of crime, such crimes are referred to as predicate offences. Meaning, if a person obtained money or property from such a crime then along with the original offence, the offence of money laundering shall also apply along with the predicate offence. Moreover, if it is suspected that the gains are from predicate offences, the Act allows the State to confiscate the proceeds.

The Evidence Act that is currently being practiced, not including standards that fit the requirements of today’s needs imposes a challenge to the criminal justice system to properly implement the articles of the recent Acts. As mentioned before, the lack of a special Act on proceeds of crime is a challenge faced by the investigation and enforcement authorities.

One of the most important measures to prevent the circulation of black money in the economy is to determine the presence of black money and to estimate its amount and if it is present, then prohibit the transfer, conversion, disposition or movement of such funds or property. With the use of evidence and proof, if these money and property can be seized and kept under the control of the state, then the distribution of such money and property by their owners and those who control it can be stopped. Thus, the Drug Act, Penal Code, the forenamed articles in the Prevention of Money Laundering and Terrorism Financing Act and the articles on account freezing must be exercised more effectively in appropriate situations by the enforcement and investigation authorities in order to prevent the circulation of black money.

However, it is very infrequently monitored whether the money or wealth owned by the perpetrators of criminal offences are obtained through such offences. Also, after such suspects are proven guilty, there is insufficient work carried out to recompense the assets and cash obtained through acts of misconduct. Thus, it has to be identified whether such problems are caused due to lack of procedures or lack of resources or insufficient amount of skill trainings or due to any other reason. This should be followed by solutions for the identified causes. Also, it is important to identify the responsibilities of each and every stakeholder and implement their respective role in order to collectively find a solution.

3. Social and Economic Problems

From a social perspective, the extent to which the Maldivian society is drug stricken is significant. Statistics from Maldives Police Service and Prosecutor General's Office gives an inclination on the types of crimes that has infested the society that has potential to circulate black money. While there is notable corruption related cases reported and looked into, considerable amount of cases has been noted on procurement related issues. Though money related to such cases are not clearly estimated, it is beyond doubt that issues are vessels to carry black money. The persistency of such crimes in the society is clear indication that circulation of black money in the economy is inevitable.

From an economic perspective, law number 10/2014 (Prevention of Money laundering and Terrorism Financing Act) and the policies created under this Act states that financial institutions must ensure that the money that inflows and outflows from that specific institution is not from the black market.

Since failure to disclose means by which money is injected to an institution, by whom, and the purpose of the transaction, and all acts of evasion of providing truthful information is condemned as an offence in Penal Code, the work that has been conducted by financial institutions on ensuring background checks and validation of financial transaction is highly notable.

The information provided by individuals carrying out transactions from financial institutions must be kept in a manner that facilitates enforcement and investigation authorities to obtain the information for relevant investigations whenever necessary. This information is essential for such authorities to investigate the information, identify whether it is black money, estimate the level of its presence, and study the techniques used by perpetrators to circulate black money.

Maldivian society has been highly dependent upon direct cash transactions. For instance, even when carrying out financial transactions through banks and other financial institutions, the Maldivian society practices the norm of carrying out large sums of cash transactions. In comparison with other methods of financial transactions, cash transactions enable its owners to conveniently change its ownership by transferring the money from one hand to another.

Hence, perpetrators of criminal offences often use cash transactions to generate and accumulate money from illegal acts. This is because the offenders are aware of the fact that enforcement and investigation authorities would find it difficult to pinpoint the offender if the money is to be circulated via a third party or parties. Also, cash transactions can be carried out in smaller divisions in order to deceive the actual amount of black money. Furthermore, financial transactions carried out outside the official financial system do not fit into the mandate of any institution. Hence, no institution is obliged to maintain the formal records of such transactions carried out between private individuals. As a result, it acts as a barrier for enforcement and investigation authorities to trace the financial transactions.

The Maldives Monetary Authority (MMA) operates many strategies to regulate the flow of cash in the Maldivian economy such as 'Real Time Gross Settlement' (RTGS) which enables quick interbank transfers between local banks and 'Automatic Clearing House' (ACH) which facilitates cheque clearances and deposits. MMA has also granted license to local phone companies to allow transactions and payments of limited amounts through mobile devices for convenience, while also regulating and supervising the operation of the whole system.

Furthermore, banks themselves have installed controls to regulate cash flow such as issuing cash cards, debit cards and credit cards to customers, allowing customers to make online transactions using internet and creating mobile applications through which customers could carry out secure transactions. Despite all the moderation, statistics from banks still point out to an increase in the withdrawal and transfer of large amounts of cash. Banks would therefore need to establish firm policies and ascertain the financial resources and the purpose for which the cash is used and set down overall controls in such transactions. Moreover, the Authority should also conduct programs to encourage the public to utilize the services established by MMA to regulate transactions made by cash, as well as alternative services provided by local banks in order to reduce direct cash transactions.

As Personal Income Tax is yet to be levied within the existing tax regime in Maldives, there is no constructive mechanism currently in practice through which authorities can thoroughly inspect an

individual's income and expenditure. Thus, it is extremely difficult to keep records and determine the legitimacy of one's finances and financial resources, which in turn makes it challenging for authorities to identify and locate black money rotated within the economy and present sufficient evidences against the perpetrators during investigation. This issue has been commonly highlighted as the biggest cause of money laundering in Maldives.

As Maldives carries out numerous business investments and economic activities, legitimate companies are made to issue permits and license to carry out those activities. As per constitution, shareholders and companies are separate legal entities. Therefore, shareholders are solely responsible for paid-up capital contributed by the shareholder and the company is responsible for the loss it procures. Technical experts agree on the fact that, these lawful companies are used as a shield to rotate and launder black money in the economy using capital investments and loans.

4. Challenges and Solutions

Reasons for circulation of black money in the economy include problems created due to certain loopholes in the legal structure and the social and economic factors. Loopholes in the legal structure include the absence of certain laws and also the inability of fully utilizing the solutions incorporated into the current set of laws. Apart from direct cash circulations, other economic means along with financial service channels are abused in money laundering cases.

5. Conclusion

Identifying and exercising actions to curb the circulation of black money must be a prioritized task for all authorities. As such, authorities have to make use of all available legal powers to identify and curb the circulation of black money by taking temporary and permanent actions.

2.9 The Challenges and Counter Measures in Recovery of Assets Obtained through Corruption

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Introduction

According to Article 133(c) of the Constitution of the Maldives, the Attorney General has the right of audience in all the courts of the Maldives, and the right to represent the State in all the courts or to delegate a person to represent the State, except for the matters deemed to be the responsibility of the Prosecutor General in this Constitution.

Property and money received through the commission of an offence stated in the Prevention and Prohibition of Corruption Act (Law No. 2/2000), here after referred to as PPCA, and property obtained through such whether it is with the person, with someone else, and where ever it is, whether sold or given to a person can be confiscated according to Article 24(a) of the PPCA. This article does not specify the institution with the responsibility to represent the State.

However, Article 24(a) of the PPCA ensure that such property can only be confiscated once an offence of corruption is proved in a court of law. Furthermore, once an investigation of corruption is complete, the investigation report along with the request to recover the proceeds of the crime, is sent to the Prosecutor General's Office, hereafter referred to as the PGO, instead of the Attorney General's Office, hereafter referred to as the AGO. This thereby challenges and limits the AGOs responsibility to recover property obtained through corruption.

Issues Identified

The following challenges has been identified in the light of the cases which has been proceeded by AGO to recover losses, and the 40 cases that are pending from the 66 investigation reports sent by the Anti-Corruption Commission, hereafter referred to as ACC, to the AGO to recover losses to the state caused by corruption.

Challenges Found in the PPCA for Civil Proceedings

As the offences stipulated in the PPCA are criminal offences, the constitutional power to assess the evidence presented by the ACC to determine whether charges should be pursued for the case lies with the PGO. If the PGO decides that the evidence presented by the case is insufficient to start a

criminal proceeding, the PPCA does not offer an alternative to start civil proceedings for the case to recover the damages to the state caused by the corrupt act, as Article 24(a) of the PPCA can only be applied upon a successful conviction.

Furthermore, Article 51(h) of the Constitution of the Maldives ensures that anyone accused of an offence has the constitutional right to be presumed innocent until proven guilty beyond reasonable doubt. Although the criminal offence of corruption cannot be proven unless there are sufficient evidence to prove the offence beyond a reasonable doubt, if the elements of the offence can be proved on a balance of probabilities, it would be sufficient to prove a civil case, and thereby to recover the damages caused to the state by the corrupt act. The challenge lies with the inability to initiate a civil proceeding to recover proceeds of a corrupt act, without a successful conviction.

Furthermore, according to the PPCA a civil proceeding cannot be initiated until a final judgement has been reached. Therefore, even if the offence has been proven in a lower court, AGO cannot proceed the civil case to recover the proceeds of the offence, as long as there is an opportunity for the accused to appeal the case. This impacts the public funds of the state due to the length of time it takes to reach a final judgement.

Challenges in the Public Finance Act to Recover Damages to the State from Offences of Corruption

Some of the issues identified in the investigation reports of the ACC are illegal acts that fall under Article 47 of the Public Finance Regulation (11 February 2009), hereafter referred to as PFR. It has been decided that such irregularities can be fined and recovered according to the amount the accused is responsible for under Article 48 of the Regulation.

Such irregularities found in Article 47 of the PFR have been identified in 26 of the 66 cases that has been sent to the AGO for civil proceedings. However due to various reasons, civil action has been taken on 18 out of the 26 cases. Some of the cases are pending where they involve more than one party who had been involved in the irregularities, and the investigation reports does not specify how much each person involved in the offence is responsible for.

Furthermore, some of the cases forwarded for civil proceedings involve companies in which the state owns shares. Since the state owns shares in the company it has the right to ask that actions be taken against the accused, however as such companies are legally independent companies with the right to sue and suit against on its behalf, the AGO does not have the right to decide to suit against the accused on the company's behalf. Hence, AGO has not taken action to recover damages to the state where independent companies are involved.

However, recovering damages under Article 48 of the PFR for irregularities is an administrative action, and is not the same as recovering damages to the state caused by offences of corruption. As the cases investigated by the ACC are offences in the PPCA and most offences do not fall under Article 47 of the PFR, it is a challenge to recover damages caused by corruption under the remedies of the Regulation.

Challenges in taking Civil Proceedings to Court

The procedural requirements necessary to initiate a civil case causes delays. After investigations, ACC sends the investigation report to the PGO requesting criminal proceedings. These reports are then sent to the AGO to recover the damages caused to the state by the offence. Since the investigation reports sent by the ACC to the PGO for prosecution involves all the information and documents necessary for prosecution, there is a delay due to the time taken to research documents relevant for the civil proceeding.

Most of the investigations are completed after a considerable time from the commencement of the offence which increases the administrative work that needs to be fulfilled in order to update the information about the accused, which further delays. Additionally, where the offence falls under Article 47 of the PFR, administrative action need to be taken for irregularities before presenting the case to the court.

SOLUTIONS

The challenges faced in recovering the damages caused to the state from the offences of corruption and in initiating civil proceedings can be resolved through remedies available in the law.

Amending Laws and Regulations

Amending the PPCA and the PFR, will enable AGO to initiate civil proceedings before the criminal offence of corruption has been proven.

According to Article 24(a) of the PPCA, damages caused by the corrupt act can only be recovered upon a successful conviction. Therefore, including the provision, in the PPCA to enable civil proceedings based on the irregularities of the offender, will resolve the current issue.

Furthermore, amending Article 47 of the PFR to include offences of corruption as a financial irregularity, would enable the AGO to take civil action to recover damages, for the offences stipulated in PPCA.

Passing a Specialized Law to Recover Proceeds of a Crime

Introducing a law which details the actions that can be taken regarding the proceeds of a crime during the investigation and prosecution stage, and specifies the situations and regulations by which such proceeds can be claimed by the state will resolve the issue of recovering proceeds of the offences of corruption.

Accordingly, the Proceeds of Crime Act 2002 of United Kingdom enables the recovery of the proceeds of crime in UK, which are related major criminal offences even where the offence has not been proven.

Coordination between related Authorities

Once the investigation of the ACC establishes that civil proceedings need to be taken to recover the proceeds of the offence, the ACC can send the report directly to the AGO instead of through the PGO, with the information required for the civil proceeding.

CONCLUSION

While this paper concentrates on the current challenges faced by the AGO, it is important to highlight the challenges that need to be addressed in the foreseeable future. The issue of recovering the proceeds of an offence will be resolved, only when the claimed money from the current charges are returned back to the public funds. Therefore, the issue will not be resolved if the offender does not have the means and resources to return the proceeds of the offence. Further challenges are likely in taking civil action for the offences of corruption in the new Penal Code.

It is noteworthy that current challenges faced in recovering proceeds of the offences of corruption can be resolved with amendments to related laws and regulations, and enacting new laws that would regulate how to manage and claim the proceeds of offences.

2.10 Challenges and Counter Measures in Developing a Corruption Free Civil Service

Civil Service Commission

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Translation: Ms. Aishath Manaal Khalid, Former Assistant Research Officer, ACC

Introduction

The research aims to examine the challenges faced in developing a corruption free civil service by reviewing the types of corruption and reasons why corruption is occurring in civil service institutions of the Maldives. Also, recommendations will be given on building a civil service that promotes integrity.

The data for this research was collected by reviewing the audit reports of various Ministries and compliance reports of various Civil Service Institutes of Maldives from 2014 to 2016. In addition to the secondary data collected from audit reports and compliance reports, primary data was gathered through a survey which was conducted by administering semi-structured questionnaires to civil servants working in the largest civil service institutions in Male' City. A total of 106 questionnaires were administered to civil servants from 25 Civil Service Institutes. The sample population included staff from both genders and from various ranks of the organizations.

Furthermore, the following literature was reviewed to gain insight for the background of the research.

1. Corruption Perception Survey of Civil Servants 2014 (Anti-Corruption Commission)
2. Issues Noted from Areas Most Prone to Corruption (Auditor General's Office)
3. Prevention of Corruption Through Responsible Public Finance (Ministry of Finance and Treasury)
4. Factors that Lead to Corruption in the Civil Service (Civil Service Commission)

Background

Integrity is considered as one of the key characteristics of the Civil Service of Maldives. The second Strategic Plan of Maldives Civil Service (2016-2020) states 'Integrity' as the first co-value of the Maldives Civil Service, portraying the importance it gives to build a corruption free civil service.

According to the study by the Anti-Corruption Commission of the Maldives, for the Civil Service Conference 2014, most civil servants are aware of what corruption is. However, they are less aware of laws like Civil Service Act, Prevention and Prohibition of Corruption Act and the Public Finance Act. Moreover, 12% to 13% of the participants of this research proclaimed that civil servants are manipulated to conduct corrupt practices. The research also highlighted that prevention of corruption before it actually happens, is a big challenge for the state.

In addition to this, the paper by Auditor General's Office stated the following as the common offenses of corruption:

- a) Illegal practices which are conducted against laws and procedures
- b) Double payments for services
- c) Payments made for services not received
- d) Delays in payment collection by the government

The paper presented at the Civil Service Conference by Ministry of Finance and Treasury, highlighted that public procurement is one area which is most susceptible to corruption. It also identified that some sponsorships and financial assistance for programs may sometimes not be included in the state budget which creates risk of corruption.

Similarly, the paper by Civil Service Commission focused on the issue of corruption. According to the paper, the most common reasons for corruption in the civil service are:

- a) Actions against laws and regulations
- b) Lack of adherence to set procedures
- c) Negligence
- d) Lack of monitoring and supervision

Objectives of the Research

Following are the objectives of the research:

- Examine the level of corruption in the civil service of the Maldives.
- Determine the types of corruption that occur in the civil service institutions of the Maldives.
- Observe the reasons why acts of corruption occur in the civil service institutions of the Maldives.
- Examine the challenges in fostering integrity and reducing corruption in the civil service institutions of the Maldives.
- Suggest recommendations to foster integrity and reduce corruption in the civil service institutions of the Maldives.

Research Findings

Findings from the Audit reports by Auditor General's Office

Following are the issues that hinder integrity in the works of civil servants as identified from the Audit reports of civil service institutes.

1. *Disregarding Rules and Regulations*

Issues such as financial transactions not carried out according to rules, regulations and procedures were major concerns that were identified from the audit reports.

- **Public expenditure for items not included in the government budget**

Any expenditures by the government has to be forecasted in the government budget and approved by the People's Majlis. Also, the Public Finance Act (3/2006) and Public Finance Regulation state that expenditures can only be borne if it is budgeted. However, auditor's report show that a total of MVR 12,299,227 (Twelve Million Two Hundred and Ninety-nine Thousand Two Hundred and Twenty-seven Rufiyaa) had been spent from the government budget for a project which was not included in the approved budget for the year. Moreover, a total of MVR 137,565 (One Hundred and Thirty-seven Thousand Five Hundred and Sixty-five Rufiyaa) was expended off the books, from unutilized budgets which had been allocated to Health Centres.

- **Procurement of goods and services against the Public Finance Regulation**

From the 15 audit reports reviewed, 13 issues relating to procurement were identified. This include 5 projects being allocated without proper announcement and without comparing prices from at least 3 suppliers. A total of MVR 777,358 (Seven Hundred and Seventy-Seven Thousand Three Hundred and Fifty-eight Rufiyaa) was spent for these expenditures. Also, MVR 19,510,641 (Nineteen Million Five Hundred and Ten Thousand Six Hundred and Forty-one Rufiyaa) was spent on six projects which had not been approved by Ministry of Finance and Treasury and the National Tender board. A case where the project was awarded by paying the advance payment against Public Finance Regulation and a case where there was no documentary evidence that the projects were awarded according to the Public Finance Regulation were also noticed.

- **Awarding projects without drawing up a contract**

It was noticed from the audit reports that goods and services were sometimes acquired without drawing up a contract. A total of MVR 924,243 (Nine Hundred and Twenty-four Thousand Two Hundred and Forty-three Rufiyaa) was expended this way. If a contract is not drawn up according to

Public Finance Act, the quality of the work and promptness cannot be ensured. Moreover, in case of disagreement between the two parties it would be difficult to resolve the issues without a proper contract.

2. No proper supervision of staff

It was observed from the audit reports that a lot of issues rise due to poor supervision of staff which has resulted in negligence in performing tasks assigned to them. Moreover, proper record of tasks assigned to staff are not kept. As a result, the following issues were identified:

- *Fines imposed due to payments not being made on time*

Two cases where fines were imposed due to payments not being made on time by civil service institutes after receiving services, were observed. A sum of MVR 8,594,503 (Eight Million Five Hundred and Ninety-four Thousand Five Hundred and Three Rufiyaa) was paid as fine in one of the two cases, while a sum of MVR490,334 (Four Hundred and Ninety Thousand Three Hundred and Thirty-four Rufiyaa) was paid as fine in the other case.

- *Inventory of non-current assets not monitored properly*

The issue of, not keeping suitable registry of Ministries and sub-institutions' non-current assets according to the Public Finance Regulation was also noticed. 13 cases where details of acquisition of assets and the location and registry of assets not being kept appropriately were observed from audit reports.

- *Payments made to wrong sources*

The main issues noticed in this area were mainly due to neglect of written procedures, guidelines and poor monitoring mechanisms. A total of MVR 4,264,927 (Four Million Two Hundred and Sixty-four Thousand Nine Hundred and Twenty-seven Rufiyaa) was misspent on 4 such cases. For instance, issues like, paying disabled allowance to diseased people, paying single parent allowance to married people and paying risk allowance to staff of orphanage and paying overtime to staff without authorization from Civil Service Commission, were observed as contradictions to the Civil Service Regulation.

Findings from Compliance audits of Civil Service Commission

Following are the findings from the compliance audit reports of 7 civil service institutes, conducted in 2016.

- Lack of written Standard Operating Procedures.

- Lack of procedure for paying overtime and procedure for office opening and closing.
- Absence of whistle-blower protection procedures.
- Overtime given without approval signature from supervisors and details of overtime not recorded.
- Section head name and signature not recorded in overtime record book.
- Incomplete Sick leave forms being approved.
- Training not conducted, despite preparation of training requirement.
- Actions not taken against any wrongdoings by staff.
- Staff undertaking tasks that are not required by their job description.
- Time and reasons why staff go out during office hours, not appropriately monitored.
- Staff annual leave not being pre-planned.
- Details of staff not being properly maintained.
- Staff appraisal not being conducted consistently and information about appraisal not informed to staff.
- Staff not being aware of various regulations and procedures.

Findings from the data collected from Questionnaires

Following findings are from the data collected by administering questionnaires to 106 staff working in various civil service institutes in the city of Male'. Participants are from both genders and from various levels of bureaucracy.

1. Perceived levels of corruption

73% respondents stated that they believe, corruption exists in the civil service up to a level more than 50%. Moreover, 63% of the respondents believe to a level more than 50%, that if a staff can easily get an unfair advantage they will do so without integrity. Meanwhile, 38% of the respondents believe that incidents of corruption are reported up to 50%.

2. Types of Corruption

The following are the types of corruption as most commonly agreed by the civil servants who responded to the questionnaire.

- a) Spending time out during office hours
- b) Use of political influence within the work place
- c) Attainment of undue advantage through use of influence from position
- d) Neglect of policies and procedures and inefficient implementation
- e) Use of public resources for personal use

- f) Receiving bribes from customers
 - g) Preferential treatment in the process of recruitment
 - h) Gaining unfair advantage through fraud
 - i) Forging documents
 - j) Embezzlement
 - k) Increase in fines of the institution due to negligence at work
3. Reasons for increased levels of corruption and lack of integrity

Following are the most common reasons leading to corruption and lack of integrity according to participants.

- a) Perpetrators of corruption not being appropriately penalized
 - b) Low salaries for Civil Service officials
 - c) Committing acts of corruption without any hesitation
 - d) Regulatory and procedural loopholes that make it easy for staff to take undue advantage
 - e) The huge gains from corruption seems more appealing
 - f) Lack of familiarity about the Public Finance Act and the Public Finance Regulation
 - g) Lack of awareness about the Prevention and Prohibition of Corruption Act
 - h) Lack of awareness about Employment Act and the Civil Service Act
 - i) Customers offering bribes to gain public services
4. Recommendations to prevent Corruption and uphold integrity

The participants of the survey listed the following recommendations as steps to prevent corruption in the civil service.

- a) Promoting transparency
- b) Ensuring that action is taken against any and all perpetrators of corruption
- c) Include value education and integrity in the school curriculum
- d) Increasing civil servants' pay which is compatible with their living costs
- e) Encouraging civil servants to report incidents of corruption
- f) Investigating complaints of corruption impartially
- g) Arrange service delivery in a way that does not stimulate acts of corruption
- h) Revise related laws, regulations and procedures, in a way that prevents corruption
- i) Be more vigilant against corruption and increase the level of supervision of the work of staff
- j) Recognize and reward staff for acts of integrity
- k) Identifying institutions with lowest levels of corruption

- l) Creating awareness among public regarding the negative impacts of corruption and importance of preventing corruption
- m) Conducting trainings to civil servants regarding corruption prevention

Conclusion

The survey from the civil service show that corruption exists in different levels of the Maldivian Civil Service. Corrupt practices like accepting bribes, embezzlement, taking actions that preclude an advantage to the state were said to be observed by the participants of the survey. Moreover, it was mostly believed that some of the challenges to prevent corruption include the attitude of civil servants towards corruption and corruption offences not being appropriately penalized.

The research also observed that insufficient effort is put into recovering money lost due to corruption, as the consequent damages to the public due to acts of corruption is not well perceived by the public. Furthermore, the impression that upholding integrity is only a duty of the civil service presents challenges to prevent corruption. Therefore, a 'whole of nation approach' is needed to eradicate corruption from, not only the civil service of Maldives but also from other segments of the country.

It is strongly recommended that preventive measures relating to corruption should be included in various laws and regulations related to the civil service. Moreover, staff need to be made aware of the existing regulations, procedures and best practices, through regular trainings and refresher programs. It is vital that further research to identify and evaluate the risk factors in the civil service that facilitate corruption, be prepared, in order to find more appropriate solutions and to build a civil service that promotes integrity.

2.11 Re-strategizing FENAKA Corporation's Governance System to Prevent Corruption

Fenaka Cooperation Limited

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Translation: *Ms. Fathimath Shaina, Former Assistant Research Officer, ACC*

Introduction

The Fenaka Cooperation Limited is a State Owned Enterprise (SOE) responsible for generating power for more than 152 islands, and managing water and sewage systems in 53 islands. In addition to this, the company provides waste management services in 100 islands in the country.

The company has more than 200 employees in the capital city Male', while more than 2500 employees work at different branches in the islands. The company was rebranded in the year 2010.

This paper was presented at The Anti-Corruption National Conference 2017, organized by the Anti-Corruption Commission of Maldives. This paper aims at providing an insight in to the policies, regulations and practices, regarding procurement of goods and services for the company as well as the company's efforts in enhancing integrity in its work environment. In addition to this, the paper explains procedures followed by the company in the procurement and delivery of goods and services for the company's branches in the islands.

Purpose

The purpose of this paper is to explain Fenaka's efforts in curbing corruption and fostering integrity in organizational practices as well as to ensure that the employees of the company prioritize integrity in the work environment. Moreover, the paper explicates policies and procedures of procurement followed by the company.

Background

1. Developing company's business plan for 5 years

- In the past, the company has been operating without a proper vision, mission or effective policies and procedures.
- A company has been contracted to develop a business plan for FENAKA on 16th March 2017, in order to strengthen its overall operations, and to assist the implementation of government's energy policy and strategy as well as to enhance customer satisfaction and trust for the services provided by the company.

2. Introduction of Enterprise Resource Planning (ERP)

- Proper record keeping of company dealings was not practiced. This includes financial accounts, other company dealings as well as records of services provided by the company.
- Due to the absence of an integrated software for record keeping in 154 islands, there was high risk of corruption and chances of taking undue advantage.
- The absence of such mechanism slows down the overall functioning as well as disrupts the efficiency of the company.
- The purpose of introducing an ERP is to allow smooth record keeping that will lead to smooth operation of the company.
- Such a mechanism allows easier access to information that is needed to generate reports for government and other related institutions.
- Jinasena Infotech Private Limited, A Microsoft certified partner company, has been contracted to develop a Microsoft Navision System in order to resolve the mentioned issues. The system, expected to be launched on 18th June 2017, will strengthen and speed up the company's functions once in operation.

3. Strengthening the foreign exchange policy

- The foreign exchange practice in the company does not conform to the financial regulations of the company and has been carried out without a concrete policy.
- Currently, a concrete foreign exchange policy has been established to reinforce positive changes in organizational functions and address corruption prone practices,
- The new policy restricts foreign exchange with parties other than the authorized institution and other government bodies.

4. Getting Board Approval for Transactions Above MVR 2 Million

- In order to end corruption prone practices, the Budget ceiling for the management has been revised from MVR 10 million to MVR 2 million.
- A policy was introduced and approved that requires approval from the Board of Directors for transactions that exceed MVR 2 million.

5. Bidding for procurements that exceeds Two Hundred and Twenty Thousand Maldivian Rufiyaa

- Amending and implementing company policies and procedures to ensure that any procurement that exceeds two hundred and twenty thousand Maldivian Rufiyaa shall be procured through a fair bidding process.

6. Establishing a technical committee

- Conducting a need analysis for procurements and reviewing specifications of the machineries and other equipment before procurement.

7. Establishing a Board Approved Tender Committee

- Careful evaluation of bids for procurements by the technical committee and awarding the contract for the bid that is most beneficial to the company.

8. Establishing an Internal Audit Committee

- An audit committee was established to improve organizational functions and increase accountability of the senior management.

9. Publicizing Job Openings for New Recruitments

- Ensure new recruitments do not exceed the employment structure.
- Ending the culture of hiring practice by the board of Directors and adopting a policy for recruitment of new employments.

10. Procurement and management of Diesel

- Establishing a sustainable approach to procure diesel for the company with an MOU signed with STO on 12th April 2017.
- Establishing a mechanism to stock diesel for at least a month, in all branches of the company.
- Ensure careful supervision of quality and quantity of diesel sent to the branches in islands and preventing frauds committed in the process.

Conclusion

The company ensures its commitment to achieve organizational goals and successful implementation of the government's energy policy and ensure effective service to its customers. Moreover, the company aims to foster integrity among its employees to enhance employee effectiveness and enhance customer satisfaction towards the company while giving its full commitment to the fight against corruption. In this regard, the company appreciates the opportunity given by the Anti-Corruption Commission to partake and share its vision, mission and goals in a national platform like The Anti-Corruption National Conference.

3. Official Declaration

The Constitution of Maldives stipulates existence of an Independent Anti-Corruption Commission in its Article 199. The functions and responsibilities of this Commission include carrying out research on the prevention of corruption and to submit recommendations for improvement to relevant authorities regarding actions to be taken, promoting public awareness of the dangers of corruption and promoting the values of honesty and integrity in the operations of the state. As an approach to implement these responsibilities stipulated in the Article 202 (d) the Commission's meeting held on 6th December 2016 decided to organize The Anti-Corruption National Conference in collaboration with the Islamic University of the Maldives. Under the banner of The Anti-Corruption National Conference 2017 **"Role of the institutions in fostering a culture of Integrity: Corruption Detection, Investigation, Prevention"** the Commission aims to facilitate a platform for discussions on existing challenges and solutions for rapid conclusion of corruption related issues between law enforcement institutions to fight against corruption with stakeholder participation and engagement through research.

The Anti-Corruption National Conference 2017, having met at Male' City, Maldives from 10 to 11 May 2017, considering the need for a common stand point and for common principles to inspire and guide all the Public Institutions including all the State Owned Enterprises, the participants reaffirmed their commitment to work hand in hand in the prevention of corruption and all form of it.

The Anti-Corruption National Conference participants collectively call upon;

1. All the responsible parties including the public and civil society organizations to develop the Maldivian Society to be bound by all Islamic Values, and fight against all types of corruption, and tolerate no such offence, and give no space for such, and live by integrity.
2. Educational and nurturing institutions to develop a practical and pedagogic curriculum to strengthen Islamic faith while fostering a culture of integrity in the society
3. Enforcing a culture which fosters good deeds and prohibits bad deeds by promoting the principles of "Hisbah" and employ its expertise
4. All the government institutions to bring necessary changes to the respective laws concerning corruption prevention and requiring them to act upon ACCs recommendations for improvement
5. Government institutions to conduct public awareness sessions on issues of money laundering, detecting money laundering networks and to take impartial legal action against all perpetrators of corruption, in accordance with the law

6. Institutions concerned to work at National and International levels in tracing and recovery of stolen assets bring necessary changes to the related laws and to provide a legal framework that facilitates ACC to investigate illicit enrichment cases
7. Promotion of zero tolerance to embezzlement and to ensure speedy and efficient investigation, prosecution and execution of verdicts regarding all cases of corruption
8. Responsible authorities to amend necessary laws to facilitate civil litigations on circumstances where public officials fail to practice integrity and civil responsibility resulting in loss to an individuals or the state
9. Public institutions to carry out careful documentation of finances and other necessary record or information, ensuring transparency and accountability of public administration
10. Promoting zero tolerance on corruption and reporting all such offenses without any delay
11. Participate in the National Integrity Project and persist the state, the civil society organizations and the public to implement it, and to urge all stakeholders to help foster integrity in the civil services

Hereby declare and affirm.

11 May 2017

4. Participatory Institutions

- | | |
|--|--|
| 1. The President's Office | 16. Elections Commission |
| 2. Anti-Corruption Commission | 17. Media Foundation of Maldives |
| 3. Islamic University of Maldives | 18. Labour Relations Authority |
| 4. Prosecutor General's Office | 19. Capital Market Development Authority |
| 5. Auditor General's Office | 20. Employment Tribunal |
| 6. Attorney General's Office | 21. Maldives Pension Administration Office |
| 7. Maldives Police Service | 22. Maldives Media Council |
| 8. Civil Service Commission | 23. Judicial Service Commission |
| 9. Maldives Monetary Authority | 24. Maldives Inland Revenue Authority |
| 10. FENAKA Corporation Limited Co. | 25. Maldives Customs Service |
| 11. Ministry of Finance and Treasury | 26. Tax Appeal Tribunal |
| 12. Ministry of Islamic Affairs | 27. National Integrity Commission |
| 13. Human Rights Commission of the Maldives | 28. Local Government Authority |
| 14. Information Commissioner's Office | 29. Maldives National University |
| 15. National Counter Terrorism Center (MNDF) | 30. Maldives Immigration |

5. Conference Attendees

#	Name	Institute	Participation
1	Mr. Adam Naseer Ibrahim	National University of Maldives	Moderator
2	Mr. Mohamed Zahir	Maldives Islamic University	Moderator
3	Ms. Ikleela Ismail	Anti-Corruption Commission	Moderator
4	Ms. Mariyam Nushra	Auditor General's Office	Presenter
5	Ms. Fathimath Sana	Auditor General's Office	Presenter
6	Mr. Abdulla Ashraf	Maldives Monetary Authority	Presenter
7	Mr. Ibrahim Shakeel	Maldives Monetary Authority	Presenter
8	Uz. Mohamed Ahmed	Information Commissioner's Office	Presenter
9	Uz. Mohamed Ushamath	Maldives Police Service	Presenter
10	Uz. Ahmed Hailam	Prosecutor General's Office	Presenter
11	Uza. Mariyam Shahuma	Prosecutor General's Office	Presenter
12	Uza. Haafiza AbduSattar	Attorney General's Office	Presenter
13	Uza. Samau Ahmed Najeeb	Attorney General's Office	Presenter
14	Uza. Samiya Zakariyya	Maldives Islamic University	Presenter
15	Ms. Zuleikha Ali	Civil Service Commission	Presenter
16	Ms. Mariyam Nazima Ibrahim	Civil Service Commission	Presenter
17	Mr. Mohamed Areef	Fenaka Corporation	Presenter
18	Ms. Aishath Shaneedha	Fenaka Corporation	Presenter
19	Uz. Mohamed Nishath	Anti-Corruption Commission	Presenter
20	Mr. Majid Hassan	Anti-Corruption Commission	Presenter
21	Uz. Adam Shamil	Anti-Corruption Commission	Presenter
22	Mr. Hussain Niyaazee	Auditor General's Office	Panelist
23	Mr. Ibrahim Aiman	Auditor General's Office	Panelist
24	Ms. Mariyam Najeela	Maldives Monetary Authority	Panelist
25	Mr. Hassan Fiyaz	Maldives Monetary Authority	Panelist
26	Mr. Ahmed Shiyam	Information Commissioner's Office	Panelist
27	Mr. Hassan Shakir Mohamed	Information Commissioner's Office	Panelist
28	Uz. Ali Mauroof	Maldives Police Service	Panelist
29	Uza. Aishath Bisham	Prosecutor General's Office	Panelist
30	Uz. Hussain Nashid	Prosecutor General's Office	Panelist
31	Uza. Mariyam Shunana	Attorney General's Office	Panelist
32	Dr. Ibrahim Zakariyya Moosa	Maldives Islamic University	Panelist
33	Uz. Abdul Azeez Hussain	Maldives Islamic University	Panelist
34	Dr. Ali Shameem	Civil Service Commission	Panelist

35	Dr. Mohamed Faizal	Civil Service Commission	Panelist
36	Mr. Mohamed Faisal	Fenaka Corporation	Panelist
37	Mr. Shahumeedh Abdulla	Fenaka Corporation	Panelist
38	Mr. Sofwath Mohamed	Anti-Corruption Commission	Panelist
39	Mr. Arif Rasheed	Anti-Corruption Commission	Panelist
40	Mr. Yazmeed Mohamed	Anti-Corruption Commission	Panelist
41	Mr. Mohamed Saleem	Anti-Corruption Commission	Panelist
42	Mr. Ali Shameem Adam	Anti-Corruption Commission	Panelist
43	Mr. Ahmed Aslam	Auditor General's Office	Observer
44	Dr. Moosa Fathuhee	President's Office	Observer
45	Ms. Fathimath Inaya	Auditor General's Office	Observer
46	Ms. Nasra Ibrahim	Maldives Monetary Authority	Observer
47	Mr. Mohamed Shareef	Information Commissioner's Office	Observer
48	Uza. Fathimath Sausan	Information Commissioner's Office	Observer
49	Mr. Adil Abdulla	Maldives Police Service	Observer
50	Mr. Ahmed Naif	Maldives Police Service	Observer
51	Uza. Mariyam Nihayath	Prosecutor General's Office	Observer
52	Uz. Mahmood Saleem	Prosecutor General's Office	Observer
53	Uza. Jihadha Anees	Prosecutor General's Office	Observer
54	Uza. Aishath Fazna Ahmed	Prosecutor General's Office	Observer
55	Ms. Aminath Afiya Abdul Hakeem	Maldives Islamic University	Observer
56	Mr. Ahmedullah Mauthoof Ibrahim	Civil Service Commission	Observer
57	Mr. Ahmed Hazim	Ministry of Finance and Treasury	Observer
58	Al-Sheikh Ibrahim Ahmed	Ministry of Islamic Affairs	Observer
59	Mr. Ismail Abdul Razzaq	Capital Market Development Authority	Observer
60	Ms. Mariyam Laiza	Human Rights Commission of Maldives	Observer
61	Ms .Shahuneeza Shareef	Elections Commission	Observer
62	Ms. Aliya Haneef	Employment Tribunal	Observer
63	Mr. Assad Shareef	Maldives Media Council	Observer
64	Mr. Ahmed Shafneez	Maldives Inland Revenue Authority	Observer
65	Ms. Hafsa Umar	Maldives Customs Service	Observer
66	Uza. Fathimath Sama	Tax Appeal Tribunal	Observer
67	Mr. Ahmed Ameen	National Integrity Commission	Observer
68	Mr. Adam Shareef Ahmed	Local Government Authority	Observer
69	Mr. Ibrahim Naseer	Maldives Immigration	Observer
70	Ms. Mariyam Shirudha Usman	Labor Relations Authority	Observer
71	Colonel Hussain Ibrahim	National Counter Terrorism Centre, MNDF	Observer

72	Ms. Aminath Habeeba	Media Foundation of Maldives	Observer
73	Mr. Abdul Haseeb Ibrahim	Anti-Corruption Commission	Observer
74	Ms. Fathimath Sana Zubair	Anti-Corruption Commission	Observer
75	Mr. Abdul Azeez Moosa	Anti-Corruption Commission	Observer
76	Mr. Moosa Ali Didi	Anti-Corruption Commission	Observer
77	Ms. Fathimath Haifa Abdul Gayyoom	Anti-Corruption Commission	Observer
78	Ms. Zeeba A'thaa Mohamed	Anti-Corruption Commission	Observer
79	Uza. Rizmeena	Anti-Corruption Commission	Observer
80	Ms. Zeeniya Abdulla	Anti-Corruption Commission	Observer
81	Uza. Shiyama Mohamed	Anti-Corruption Commission	Observer
82	Uz. Mohamed Faruhad	Anti-Corruption Commission	Observer
83	Uza. Mariyam Asira	Anti-Corruption Commission	Observer
84	Uza. Asiya Hassan	Anti-Corruption Commission	Observer
85	Uz. Ibrahim Faisal	Anti-Corruption Commission	Observer
86	Uz. Abdul Salam	Anti-Corruption Commission	Observer
87	Ms. Hannath Ahmed	Anti-Corruption Commission	Observer
88	Ms. Sabiya Siraj	Anti-Corruption Commission	Observer
89	Ms. Aminath Mohamed	Anti-Corruption Commission	Observer
90	Ms. Khadeeja Latheef	Anti-Corruption Commission	Observer
91	Uz. Ahmed Shan Mohamed	Anti-Corruption Commission	Observer
92	Uz. Sinaan Rafeeu	Anti-Corruption Commission	Observer
93	Ms. Aishath Abdulla	Anti-Corruption Commission	Observer
94	Ms. Aminath Rsheedha	Anti-Corruption Commission	Observer
95	Uz. Abdulla Miz'aan	Anti-Corruption Commission	Observer
96	Mr. Abdulla Javeed	Anti-Corruption Commission	Observer
97	Ms. Fathimath Nadha	Anti-Corruption Commission	Observer
98	Uz. Mohamed Nasif	Anti-Corruption Commission	Observer

6. Paper Presenter Profiles

Anti-Corruption Commission

The Situation Analysis of Corruption in the Maldives, National Integrity Plan and Corruption Prevention Activities

Uz. Adam Shamil

Uz. Adam Shamil is currently working as an Assistant Research Officer at Anti-Corruption Commission. He has obtained Bachelors and Master's Degree in Sharia and Law. He has extensive knowledge and experience of anti-corruption and corruption prevention. He has also participated in a number of Dhivehi linguistic competitions.



Prosecutor General's Office

The Challenges and Counter Measures in Prosecution and Conviction of Corruption Cases

Uz. Ahmed Hailam

Uz. Ahmed Hailam has obtained Bachelor's degree in Sharia and law from Al-Azhar University and is working as a Public Prosecutor at the Prosecutor General's Office since September 2012. His main roles include assessing cases sent to Prosecutor General's Office and attending criminal proceedings before court. As the Head of Economic and Financial Crime Unit, he is responsible to provide advice on cases related to the Unit, conduct research and investigation on cases sent to the Unit and provide guidance and instructions to prosecutors.



Uza. Mariyam Shahma

Uza. Mariyam Shahma has obtained a Bachelor's degree in Law from International Islamic University Malaysia and is working as a Public Prosecutor at the Prosecutor General's Office since February 2015. Her main responsibilities include assessing cases sent to Prosecutor General's Office and attending criminal proceedings before court. As the Deputy head of Economic and Financial Crime Unit, she also conducts research and investigation on cases sent to the Unit and provide guidance and instructions to prosecutors.



Information Commissioner's Office

The Importance of Information Disclosure for Corruption Prevention and its Associated Challenges and Solutions

Uz. Mohamed Ahmed

Uz. Mohamed Ahmed has obtained Bachelor's degree in Linguistics, Bachelor's degree in Sharia and Law and a Master's degree in Sharia. He also completed Headmasters training course at Bhopal, India. He is currently working as the Director General, Information, Research and Foreign Relations at the Information Commissioner's Office.



Prior to working at the Commission, he has served as a Deputy Director at Maldives National University as well as Headmaster and Principal of various schools.

Auditor General's Office

Causes of Corruption and Counter Measures Identified in the Audits of Public Institutions and Companies

Ms. Fathimath Sana

Ms. Fathimath Sana has obtained Bachelor's Degree in Accounting and Finance from University of East London and is working at Compliance and Special Audit Department at the Auditor General's Office since 2014. She is currently pursuing MSc in Financial Engineering. She has successfully contributed in conducting a total of 8 Audits and has played a key role in formulating Compliance Audit Manual at the Auditor General's Office.



Ms. Mariyam Nushra

Ms. Mariyam Nushra started working at Auditor General's office in 2013. She has contributed in conducting a total of 11 audits including Financial audits, Compliance audits and Special audits. She has obtained Bachelor's Degree in Business Administration and Master's Degree in Accounting.



Maldives Police Service

Problems, Challenges and Solutions on Investigating Fraud and Embezzlement cases

Uz. Mohamed Usamath

Uz. Mohamed Usamath is working as the Head of Financial Crime Unit, Economic Crime Department. He has obtained Bachelor's Degree in Law and Master's Degree in Economic Crime Management. He has extensive experience in investigation.



Anti-Corruption Commission

Challenges and Counter Measures in Investigation of Large-Scale Corruption Cases

Uz. Mohamed Nishath

Uz. Mohamed Nishath is currently working as the Head of Legal and Asset Recovery Unit of ACC. He has obtained Master's degree in Law. His main responsibilities include sending concluded cases for duty prosecution at Prosecutor General's Office and providing legal advice and assistance.



Mr. Majid Hassan

Mr. Majid Hassan is currently working as the Head of Investigation Unit at Anti-Corruption Commission. He has obtained Master's Degree in Business Administration. He has extensive knowledge and experience in the areas of investigation and has worked for a long period in the investigation section of the Commission.



Maldives Islamic University

The Importance of Upholding Integrity in the Implementation of the Criminal Justice System (An Islamic Perspective)

Uza. Samiya Zakariyya

Uza. Samiya Zakariyya is currently working as a Lecturer at Islamic University of Maldives. She has obtained Bachelor's Degree in Sharia Islamiyah from Al-Azhar University, Egypt and Master's Degree in Islamic Revealed Knowledge (Quran and Sunnah) from International Islamic University. She has extensive experience in the education field and has worked as the Principal of Madharsathul Arabiyya in 2015.



Maldives Monetary Authority

Challenges and Counter Measures in Prevention of Money Laundering

Mr. Abdulla Ashraf

Mr. Abdulla Ashraf is the Head of Financial Intelligence Unit, Maldives Monetary Authority. He has obtained Bachelor's Degree in Law. His official responsibilities include monitoring protection of whistle-blowers and conducting research and investigation on cases and forwarding it to the related authorities under Act No.10/2014 (Prevention of Money Laundering and Financing of Terrorism Act).



Mr. Ibrahim Shakeel

Mr. Ibrahim Shakeel the Chief Analyst of Financial Intelligence Unit, Maldives Monetary Authority. He has obtained Post Graduate Certificate in Computer Science. His official responsibilities include conducting research and investigation on cases under Act No.10/2014 (Prevention of Money Laundering and Financing of Terrorism Act).



Attorney General's Office

The Challenges and Counter Measures in Recovery of Assets Obtained Through Corruption

Uza. Hafiza Abdul Sattar

Uza. Hafiza Abdul Sattar has obtained her Bachelor's degree in Law and Masters of Law International Maritime Law. She is a State Counsel at the Attorney General's Office. Her main duties being a senior supervisor of Civil Litigation Division include finalizing prosecutions, statements, responses regarding offences sent to Courts and representing the state at court proceedings. Furthermore, she prepares legal advices to be sent for various public institutions and represents AG Office at Boards, Committees, Meetings, Seminars and Conference.



Uza. Samaau Ahmed Najeeb

Uza. Samaau Ahmed Najeeb obtained her Bachelors of Law from University of London and is working as a State Attorney at the Attorney General's Office since 2015. Her main duties include concluding prosecutions, statements, responses regarding offences sent to Courts and representing the state at court proceedings, preparing legal advices to be sent for various public institutions and representing AG Office at Boards, Committees, Meetings, Seminars and Conference.



Civil Service Commission

Challenges in Counter Measures in Developing a Corruption Free Civil Service

Ms. Zulaikha Ali

Ms. Zulaikha Ali has completed higher studies in the field of Leadership and Management and Human Resource Management. She is currently working as an Administrative Officer at Commissioner's Bureau of Civil Service Commission.



Ms. Mariyam Nazima Ibrahim

Ms. Mariyam Nazima Ibrahim completed Higher Education in the field of Human Resource Management and is working as a Human Capital Management Officer at Civil Service Commission since 2015. Her major responsibilities are formulating policies according to Commission's decisions and conducting research into existing policies and strengthening them.



Fenaka Corporation

Re-strategizing FENAKA Corporation's Governance System to Prevent Corruption

Mr. Mohamed Areef

Mr. Mohamed Areef is a Regional Executive who is the Head of Administrative Department. He Has planned, managed and hosted various events and ceremonies conducted by the Company. He is also the Chairman of Tender Committee. Prior to joining the Fenaka Corporation 3 years ago, he has served a tenure of 25 years in the public sector including 15 years of service in educational sector.



Ms. Aishath Shaneedha

Ms. Aishath Shaneedha is working as an Assistant Director, Business Development and President of the Recreation Club. She has also worked in the company's Project Department. Prior to joining the Company, she has worked in the education sector. Her roles include hosting special events and ceremonies conducted by the Company and surveying Company branches to develop business plans needed for strengthening Company functions.



7. Conference Agenda

Venue: Islamic University of Maldives, Conference Hall

Day 1		
Opening Ceremony		
08:30 - 09:00	Registration	
09:00 - 09:03	Recitation of Holy Quran	Mr. Abdul Azeez Ibrahim - IUM Student
09:04 - 09:08	Introduction of the Conference	Mr. Hassan Luthfy - Chairman, ACC
09:09 - 09:13	Address by Islamic University of Maldives	Dr. Mohamed Shaheem Ali Saeed - Chancellor, IUM
09:14 - 09:17	Launching of the Conference	H.E. Abdulla Jihad - Vice President of the Republic of Maldives
	Video Presentation	
09:18 - 09:21	Address by the Chief Guest	H.E. Abdulla Jihad - Vice President of the Republic of Maldives
09:22 - 09:25	National Anthem	
09:25 - 09:45	Tea Break	
09:45 - 10:00	Photo Session	

Session 1		
10:00 - 10:20	1) The Situation Analysis of Corruption in the Maldives, National Integrity Plan and Corruption Prevention Activities • Anti-Corruption Commission	Uz. Adam Shamil
10:20 - 10:40	Discussions, Q&A	
10:45 - 11:10	2) The Challenges and Counter Measures in Prosecution and Conviction of Corruption Cases • Prosecutor General's Office	Uz. Ahmed Hailam Uza. Mariyam Shahma
11:10 - 11:30	Discussions, Q&A	
12:10 - 13:30	Lunch Break	
Session 2		
13:30 - 13:50	3) The Importance of Information Disclosure for Corruption Prevention and its Associated Challenges and Solutions • Information Commissioner's Office	Uz. Mohamed Ahmed Mr. Mohamed Shareef
13:50 - 14:10	Discussions, Q&A	
14:10 - 14:30	4) Causes of Corruption and Counter Measures Identified in the Audits of Public Institutions and Companies • Auditor General's Office	Ms. Mariyam Nushra Ms. Fathimath Sana
14:30 - 14:50	Discussions, Q&A	
14:50 - 15:10	5) Problems, Challenges and Solutions on Investigating Fraud and Embezzlement	Mr. Mohamed Ushamath

	Cases	
	<ul style="list-style-type: none"> Maldives Police Service 	
15:10 - 15:30	Discussions, Q&A	
15:30 - 15:50	6) Challenges and Counter Measures in Investigation of Large-Scale Corruption Cases	Uz. Mohamed Nishath Mr. Majid Hassan
	<ul style="list-style-type: none"> Anti-Corruption Commission 	
15:50 - 16:10	Discussions, Q&A	
16:10	Tea Break	
Day 2		
08:30 - 09:00	Tea Break	
Session 1		
09:00 - 09:20	7) The Importance of Upholding Integrity in the Implementation of the Criminal Justice System (An Islamic Perspective)	Uza. Samiya Zakariyya
	<ul style="list-style-type: none"> Islamic University of Maldives 	
09:20 - 09:40	Discussions, Q&A	
09:40 - 10:00	8) Challenges and Counter Measures in Prevention of Money Laundering	Mr. Abdulla Ashraf Mr. Ibrahim Shakeel
	<ul style="list-style-type: none"> Maldives Monetary Authority 	
10:00 - 10:20	Discussions, Q&A	
10:20 - 10:40	Coffee Break	
10:40 - 11:10	9) The Challenges and Counter Measures in Recovery of Assets Obtained through Corruption	Uza. Hafiza Abdul Sattar Uza. Samaau Ahmed Najeeb
	<ul style="list-style-type: none"> Attorney General's Office 	
10:10 - 11:30	Discussions, Q&A	
11:35 - 11:55	10) Challenges and Counter Measures in Developing a Corruption Free Civil Service	Ms. Zulaikha Ali Ms. Mariyam Nazima Ibrahim
	<ul style="list-style-type: none"> Civil Service Commission 	
11:55 - 12:15	Discussions, Q&A	
12:15 - 13:30	Lunch Break	
Session 2		
13:30 - 13:50	11) Re-strategizing FENAKA Corporation's Governance System to Prevent Corruption	Mr. Mohamed Areef Ms. Aishath Shaneedha
	<ul style="list-style-type: none"> Fenaka Corporation Limited 	
13:50 - 14:25	Discussions, Q&A	
14:30 - 15:30	Discussions on Conference and It's Official Declaration	

8. Conference Organizing Committees

As part of organization, design and planning of the conference events, all the activities were executed under the policy directions and decisions of the Oversight Committee conjoined by the direct instructions and discussion followed at the Steering Committee to its Sub-Committees level. The functions of these Committees begun as early as 7th February 2017 until the Conference was held in May 2017.

Oversight Committee

1. Dr. Mohamed Shaheem Ali Saeed, Chancellor IUM
2. Mr. Hassan Luthfy, Chairman, ACC
3. Uz. Muaviz Rasheed, V. Chairman, ACC
4. Mr. Yazmeed Mohamed, Commissioner, ACC
5. Ms. Aminath Minna, Commissioner, ACC
6. Mr. Sofwath Mohamed, Commissioner, ACC
7. Uz. Abdulla Rasheed, Secretary General, ACC
8. Ms. Hawwa Latheef, Deputy Vice Chancellor (Academic), IUM
9. Dr. Mariyam Shahuneeza Naseer, Deputy Vice Chancellor (Research and Innovation), IUM

Steering Committee

1. Ms. Hawwa Latheef, Deputy Vice Chancellor Academic, IUM
2. Dr. Mariyam Shahuneeza Naseer, Deputy Vice Chancellor Research and Innovation, IUM
3. Dr. Dheeba Moosa, Dean, IUM
4. Dr. Aishath Reesha, Dean, IUM
5. Ms. Aishath Shina, Dean, IUM
6. Mr. Ahmed Rauf Abdulla, Registrar IUM
7. Ms. Ikleela Ismail, Research Officer, Head of Prevention and Research Unit, ACC
8. Uz. Adam Shamil, Asst. Research Officer, ACC
9. Mr. Ahmed Yamin, Deputy Director Finance, Head of Budget Section, ACC
10. Ms. Rifaath Ali, Asst. Director Administration, Head of Administration Section, ACC
11. Mr. Rameez Ali, Asst. System Administrator, IT Section, ACC
12. Mr. Ahmed Rauf Abdulla, Registrar, IUM

The following are the Sub-Committees;

Academic Committee

1. Uz. Abdulla Rasheed, Secretary General, ACC
2. Ms. Ikleela Ismail, Research Officer, Head of Prevention and Research Unit, ACC
3. Dr. Mariyam Shahuneeza Naseer, Deputy Vice Chancellor Research and Innovation, IUM
4. Dr. Aishath Reesha, Dean, IUM
5. Dr. Dheeba Moosa, Dean, IUM

Budget and Procurement Committee

1. Mr. Ali Rasheed, Deputy Vice Chancellor Admin and Finance, IUM
2. Mr. Ahmed Yamin, Deputy Director Finance, Head of Budget Section, ACC
3. Ms. Rifaath Ali, Asst. Director Administration, Head of Administration Section, ACC
4. Mr. Ibrahim Rafeeu, Procurement Officer, ACC
5. Mr. Ahmed Naseem, IUM

Marketing, Sponsorship and Media

1. Ms. Hawwa Latheef, Deputy Vice Chancellor Academic, IUM
2. Ms. Aishath Shina, Dean, IUM
3. Mr. Mohamed Saleem, Former Education Officer, Head of Education & Awareness Unit, ACC
4. Mr. Adam Shamil, Asst. Research Officer, ACC
5. Mr. Hassan Manik, Asst. Director, Head of Members Bureau, ACC

IT Committee

1. Mr. Rameez Ali, Asst. System Administrator, IT Section, ACC
2. Mr. Moonis Mohamed, IUM

Printing Design and Hall Arrangement Committee

1. Mr. Ali Shameem Adam, ACC
2. Mr. Mohamed Saleem, Former Education Officer, Head of Education & Awareness Unit, ACC
3. Mr. Saddam Naseem, Graphics Designer, ACC
4. Mr. Ahmed Rauf Abdullah, Registrar IUM

Administration Committee

1. Ms. Rifaath Ali, Asst. Director Administration, Head of Administration Section ACC
2. Ms. Nasira Iqbal, Research Officer, ACC
3. Ms. Fathimath Ibna, Research Officer, ACC
4. Ms. Aishath Manal Khalid, Former Asst. Admin Officer, ACC
5. Ms. Hawwa Sana, Senior HR Officer, ACC
6. Ms. Mariyam Shifa, Admin Officer IUM

9. Roadmap to Implement the Recommendations of the Conference

1. To send a list of recommendations to respective institutions along with a cover letter.
2. To send all recommendations related to People's Majlis separately to each member of the parliament as well as secretariats of political parties.
3. To send all proposed law amendments to Attorney General's Office and related institutions.
4. To identify all issues related to ACC from different research papers presented at the Conference and to propose them to Commission members' administrative meeting in order to include the changes in the Strategic Action Plan or the administrative functions of the Commission to ensure its implementation.
5. To summarize the significant research papers presented at the conference and to publish whitepapers based on them.
6. Monthly reporting of the implementation of the recommendations of National Anti-Corruption Conference to the Commission members' administrative meeting and related units.

10.Sponsorship

The title sponsor for the Anti-Corruption National Conference 2017 was Fenaka Cooperation Limited Co. The official sponsors were Public Service Media, Maldives Airports Company Limited and Male' Water and Sewerage Company. In Addition to this, ACC had signed a Memorandum of Understandings (MOU) with sponsors that provided various kinds of assistance during the conference. The MOUs were signed on 8th May 2017 at a special ceremony held at IMU to welcome and include their role in fostering a culture of integrity in the moral cause for combating corruption and its significance to the society.

11. Conclusion



The National Anti-Corruption Conference 2017 was conducted to create an enabling engagement similar to a think tank, targeting the law enforcement agencies in order to discuss and identify the challenges to counter corruption issues in the country. Particular areas include issues of corruption investigation, prosecution, asset recovery and corruption prevention where such challenges are to be addressed and resolved at a rapid pace to tackle corruption through law enforcement. Most notably, important knowledge and information was exchanged in the conference, that required short, medium and long term measures. The conference was attended by invitation from various government institutions and independent law enforcement authorities.

Fostering integrity to curb corruption in the Maldivian society is the vision of the ACC which cannot be achieved without collective action and efforts from stakeholders and the larger society. Therefore, from the conference findings, an exhaustive list of recommendations was drawn to tackle corruption. Most profoundly, at the conclusion of the conference, the participants consented to an official declaration calling upon to address the eleven important provisions to counter the dynamics of corruption in the Maldivian society. In order to progress and implement those recommendations and the declaration, the ACC has developed a roadmap for a way forward to share and implement the outcomes of the conference.

Anti-Corruption Commission

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