



A STATEMENT ON SAFEGUARDING THE RULE OF LAW AND INDEPENDENCE OF THE ANTI CORRUPTION BUREAU

The Human Rights Commission (the Commission), has been monitoring the developments relating to the office of the Director General of the Anti-Corruption Bureau (ACB), in relation to some of the high profile cases that her office is investigating. In this regard, the Commission is also following with keen interest the developments relating to the summoning of the ACB Director General by the Malawi Police Services (MPS) and the subsequent postponement of the same.

The Commission is cognizant of the fact that the MPS is acting under the authority of a Court Order. The Commission would like to urge the Malawi Police Service to ensure that their conduct in dealing with this matter follows due process and should not in any way whatsoever jeopardise the personal safety and security of the individual involved as well as jeopardising the institutional integrity and independence of the ACB.

While there have been public comments about the poor working relationship between the Director General of ACB on one hand that of the Attorney General and the Director of Public Prosecutions (DPP) on the other hand, the Commission organised bilateral meetings with the ACB Director General and the Attorney General respectively. Following this, the Commission is set to meet with the DPP, after which, a roundtable meeting will be convened with all the 3 offices.

The Commission would like to remind all duty bearers and members of the general public that the ACB is an important institution that was established not only to fight corruption but also to ensure that rule of law and good governance prevails in the Country. The noble role of combating systemic and entrenched corruption requires concerted efforts by all sectors of society, therefore, the work of the ACB should not be personalized. In this regard, attacks against the Director General of the ACB aimed at undermining her authority and the integrity of the institution and diverting

attention from the corruption cases that the Institution is investigating is not just an attack against her but an attack against all human rights defenders.

The Commission reminds Government of its international responsibility to refrain from criminalising and stigmatising human rights defenders. The State has the obligation to provide safe and enabling environment for all human rights defenders and public officials to do their work. Meanwhile, the Commission pleads with the general public to refrain from subjecting the Director General of the ACB and any of the public offices that are involved in the cases to attacks.

The Human Rights Commission Act, 1998 (Cap 3:08 of the Laws of Malawi) gives the Commission powers to assess human rights issues falling within its competence and make appropriate recommendations to relevant authorities. Specifically, section 14(d) of the Act gives the Commission the mandate to comment publicly or as it sees fit on any general or specific situation of violation of human rights and to recommend initiatives or measures to put an end to the situation.



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