



Civil Society Joint Press Statement on the Interdiction of Anti-Corruption Bureau Director General and the Fight against Corruption

Issued this 2nd day of February 2023 in Lilongwe

We, the undersigned civil society organisations, have observed with great shock the interdiction of the ACB Director General Madam Chizuma as per the letter of the Secretary to the President and Cabinet (SPC) dated 31st January 2023. The recent action by government bear semblance of the same legal tactics that were employed when madam Chizuma was illegitimately and unprocedurally arrested on 5th December, 2022 based on unfounded claims without regard to the relevant laws and human rights principles.

We note that the issuance of the interdiction letter dated 31st January, 2023 coincided with the alleged warrant of arrest which is believed to have been obtained by the ACB in its pursuit to fight against corruption. From this perspective, we are inclined to conclude that they are a continuation of systemic and intentional government's tactics to frustrate any meaningful fight against corruption, and that government is committed to use its apparatus and individuals to achieve its aspiration of removing madam Chizuma.

In addition, we are aware that the ACB is governed by the Corrupt Practices Act (Cap. 7:04 of the Laws of Malawi) which further regulates its operations as well as the appointment and tenure of the Director General. Specifically, section 6(3) of the Corrupt Practices Act provides that the President **may**, if he considers it **desirable in the public interest** so to do, suspend the Director from exercising the duties of the office of Director

pending investigations to determine whether or not the Director may be removed from office. The removal arising from the above provision is subject to confirmation by the Public Appointments Committee as provided under subsection (2). It is also worth noting that the only reason to suspend the Director General is that it must be desirable in the public interest.

While the Malawi Public Service Regulations (MPRS) provide for interdiction in the manner that the SPC has applied, we are quick to observe that the same may not be applicable to the Office of the Director General. In fact, the MPRS may not take precedence where you have express provisions in a statute like the Corrupt Practices Act regulating the conduct and procedure for suspension of an officer.

In view of the foregoing, we believe that the action by the SPC is questionable, arbitrary and offends the prevailing laws in the circumstances of the matter. We are of the view that the President should be bold enough to publicly exercise powers vested in him to suspend the Director General rather than being hypocritical as well as part of the present confusion.

In the public interest, we demand the following, that:

1. The President should direct the SPC to immediately withdraw the interdiction of the Director General and commit to provide unwavering support to the office in pursuit of the fight against corruption.
2. The newly appointed Director of Public Prosecution should immediately review the Chizuma file and inform Malawians on the direction that his office intends to take not later than 10th February, 2023.
3. Parliament as a legislative body through its relevant standing committees should, with speed, mobilise itself and engage the President and the Minister of Justice in defence of the rule of law.
4. All Malawians must stand up to defend democracy, justice and the rule of law by firmly holding duty bearers to account.

In conclusion, we wish reiterate our firm belief that the war against corruption is a national struggle that requires steadfast resolve from the President. This battle cannot be won if

government machinery is running in opposite, and to make the matter worse, if the leadership demonstrates lack of control over the affairs of the state. We therefore call upon the President to walk the talk and ensure that all actions taken in fighting corruption are in the public interest. As stakeholders, we condemn any sign of impunity and disrespect of the rule of law. Should the President and government fail to formally withdraw the interdiction by Monday, 6th January, 2023, we will be compelled to mobilise Malawians across the divide to stand up for justice and the rule of law through demonstrations and other civil means.

LONG LIVE DEMOCRACY! LONG LIVE MALAWI!