



Anti-Corruption Commission

Annual Report 2013 - 2014



BE PART OF THE FIGHT!



Mr Paulus K Noa
Director



Adv E L van der Merwe
Deputy Director

Table of Contents

Anti-Corruption Commission Top Management	3
Foreword by the Director	5
ACC Profile	7
Background	8
The ACC Organizational Structure.....	9
Directorate of Investigation and Prosecution.....	10
Directorate of Public Education and Corruption Prevention	15
Raising Public Awareness on the Risks of Corruption	16
Division Administration.....	22
Conclusion	24

This is the Annual Report 2013-2014 on the activities of the Anti-Corruption Commission (ACC). As by its mandate, ACC did not only carry out investigations on allegations reported to the Commission, but it as well conducted educational campaigns against corruption. The Commission also developed educational materials that provide relevant information on the causes of corruption, the consequences of corruption and the preventative measures that need to be introduced to curb corruption. In the process, I am pleased to inform the Namibian nation that efforts made by the Commission have fostered the public confidence and support in the fight against corruption.



The Commission is a statutory agency established by law to lead the prevention and combat against corruption of all forms. The overall stakeholders to eradicate this scourge are the people of Namibia from all sectors of society. Our priority targets as a nation should be to combat corruption in all its manifestation, be it mismanagement of public resources, abuse of power, nepotism or patronage. Those entrusted with public responsibility, be it in the public service or in political offices, must increase efficiency in service delivery systems. Corrupt practices in effect will be reduced when there is commitment to enhance the practice of integrity in all sectors of society. Fundamental to this is the promotion of accountability in different strata of society. The well-being of the nation will only improve when the foundations of good governance are enhanced.

Good governance is the key element for the success of implementation of policies and programmes. In this regard, the prevention of corrupt practices should remain one of the important agendas of a democratic government. All sectors need to improve the level of efficiency and effectiveness if we admire Namibia to be counted among the countries in the world that reject corruption and promote good governance.

It has been observed that the initiation of programmes and projects is not really the concern. The concern is rather the proper execution of the projects to benefit the targeted citizens. It must be seriously taken note that improper execution of programmes that are aimed at improvement of the livelihood of the majority of the citizens may result in the nation divided into two societies, the haves and that of the have nots. This is not the type of the situation the Namibians are aspiring for. It is as well in stark contrast with the ethos expressed in the Constitution of the Republic of Namibia.

The Constitution recognizes the inherent dignity and inalienable rights of all members of the human race which includes the right of individual to life, liberty and pursuit of happiness. Service deliveries must benefit the people at large. Reducing crime rates, fighting corruption, introduction of corruption prevention measures, enforcing moral values through education, poverty eradication, good corporate governance including creation of economic empowerment opportunities must be given priority.

Like any society in the world, challenges will ever be there, but with the aspiration and commitment of political leadership, corruption can be fought and living conditions of citizens can be improved. Namibia has already recorded a number of positive achievements. With concerted efforts, a lot more positive results can be recorded. All components of the society have to play their roles, ranging from individuals, family, community, NGOs, media, public sector, private sector, political leaders and religious leaders. The synergy from members of all sectors can form a strong bond and network of strength against corruption, mismanagement and poor service delivery. Greater cooperation between all sectors enhances integrity. Just like a political system whereby the voices of citizens are heard is critical for development and political stability.

In terms of the United Nations Convention against Corruption (UNCAC), member states are urged to institute relevant reforms that promote professionalism and effectiveness of anti-corruption authorities in preventing and combating corruption, the independence and integrity of the judiciary and prosecution service, the prevention of conflict of interest in public offices, freedom of access to information, transparency and accountability in public administration. Member States are as well urged to ensure and preserve the functional independence of all relevant anti-corruption authorities and adequately fund them in order to carry out their respective roles effectively and fairly without undue delays.

The Commission continues to play its role in the country, the region as well as at the international level as by its mandate and legal instruments signed and ratified by the Namibian authority. The positive progress hitherto made was only possible because of political will at various levels of political leadership. Political leadership has been supportive and committed to bring about necessary changes in favour of good governance.

Corruption affects everyone, therefore we all have a responsibility to prevent, expose and fight corruption.



Paulus Kalomho Noa
Director: Anti-Corruption Commission

Vision

To be a world class Anti-Corruption Commission

Mission

To fight corruption in Namibia through effective law enforcement & preventative measures in a professional manner for the good of society

Core Values

Integrity

Accountability

Courage

Transparency

Excellence

Fidelity to the law

Fairness and impartiality

The Commission

The Anti-Corruption Commission is established by the Anti-Corruption Act, 2003 (Act No. 8 of 2003) as an independent and impartial body. The Commission is headed by a Director who is assisted in the execution of control over the Commission by a Deputy Director. The Director and Deputy Director are appointed by the National Assembly upon nomination by the President. They are appointed on a full-time basis for five years and may be reappointed upon expiry of their term.

In addition to the Office of the Director and Deputy Director, the Commission is organised into the following directorates and division:

- Directorate Investigation and Prosecution
- Directorate Public Education and Corruption Prevention
- Division Administration

Mandate and statutory functions

The Anti-Corruption Commission (ACC) is mandated to combat and prevent corruption through law enforcement, educating the public and enlisting their support against corruption, and providing advisory services.

In terms of the Anti-Corruption Act, 2003 the ACC has the following core functions:

• Investigation function

The ACC investigates matters that in its opinion raise suspicion that the following has occurred or is about to occur:

- Conduct constituting corruption; or
- Conduct prone or conducive to corruption.

• Education function

The ACC educates the public on corruption and enlist their support in combating corruption in Namibia.

• Prevention function

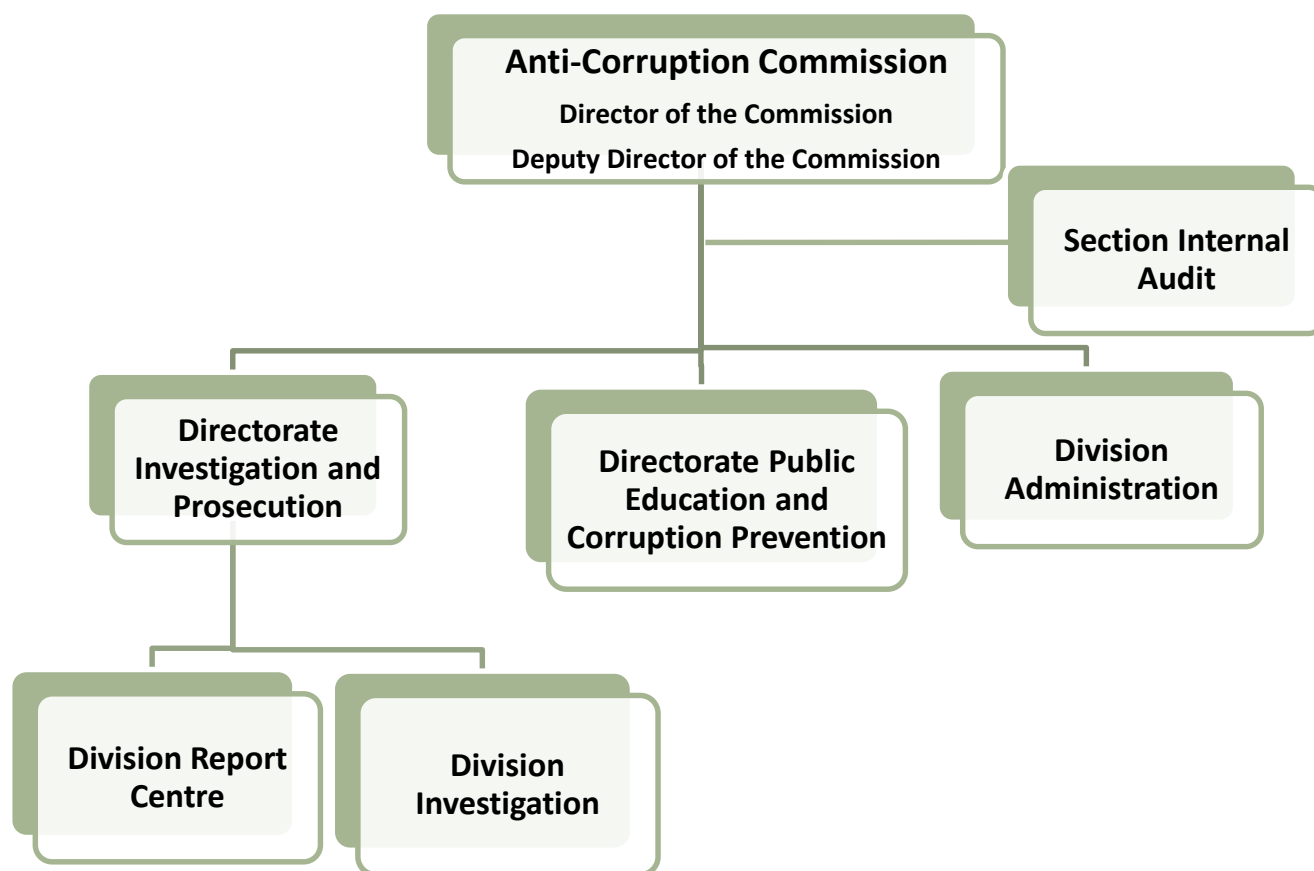
The ACC examines practices, systems and procedures of public and private bodies to facilitate the discovery of corrupt practices and to secure the revision of practices, systems and procedures that may be prone or conducive to corrupt practices.

Constitutional Anti-Corruption Measures

The Government confirmed its commitment to root out corruption by amending the Namibian Constitution to provide for anti-corruption measures. The amendment came into effect on 7 May 2010.

THE ACC ORGANIZATIONAL STRUCTURE

The Organizational Structure of the Anti-Corruption Commission is illustrated below



DIRECTORATE OF INVESTIGATION AND PROSECUTION

Core responsibilities

The Directorate of Investigation and Prosecution's core responsibilities include -

- receiving, analysing and processing of reports of alleged corrupt practices;
- investigating allegations of corrupt practices in both private and public bodies;
- arresting and arraigning of suspects in corruption or other related cases;
- compiling case dockets for submission to the Prosecutor-General (PG) for decision;
- liaising with Prosecutors to ensure successful prosecution of corruption and related cases;
- testifying in criminal courts and at disciplinary hearings;
- enforcing the Anti-Corruption Act



Mr Nelius Becker

Head: Investigation and Prosecution

Each initial report received is subject to a process of evaluation. The purpose of an evaluation is to analyse the information received by the ACC in order to make a recommendation to the Director as to the further handling of the information. Reports are entered into GoCASE, the ACC's Case Management System, and forwarded to the Chief of Investigation & Prosecution who then in turn forward such reports to the Director of the ACC for a decision. The Case Management System enables the Directorate of Investigation and Prosecution to effectively and efficiently process the reports and provide feedback.

Statistical trends

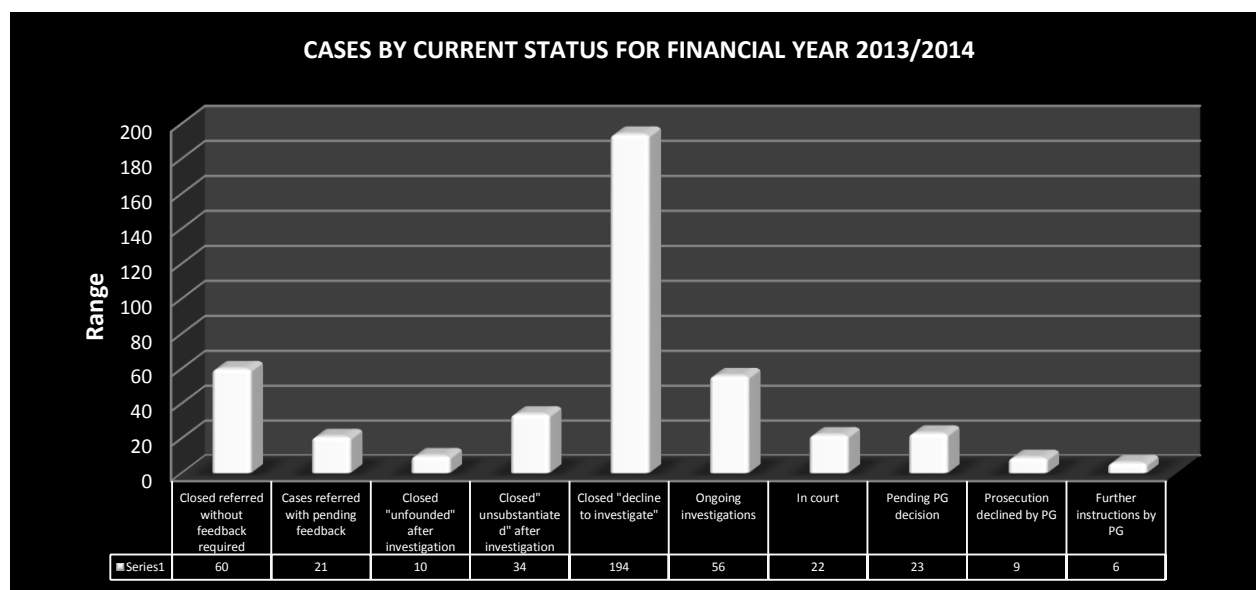
A total number of 435 reports of alleged corrupt practices were received during the 2013/14 financial year and were handled as follows:

194 were closed as authorization to investigate was declined. Such a decision is only taken after due consideration has been given to the provisions of section 18(2) of the Anti-Corruption Act. Sixty (60) cases were referred to relevant institutions to deal with. This normally is done in instances where the cases do not fall within the mandate of the ACC because they are purely administrative, but should nevertheless be brought to the attention of such institutions. Such cases are closed without requesting any feedback. Twenty-one (21) cases were referred with a

request for feedback. In these instances the ACC was on the view that the allegations have merit, but that a particular institution due to the administrative nature of the case, should investigate and give feedback to the ACC. The ACC on receipt of such feedback will take a decision whether further investigation is warranted or close the case as unfounded or unsubstantiated.

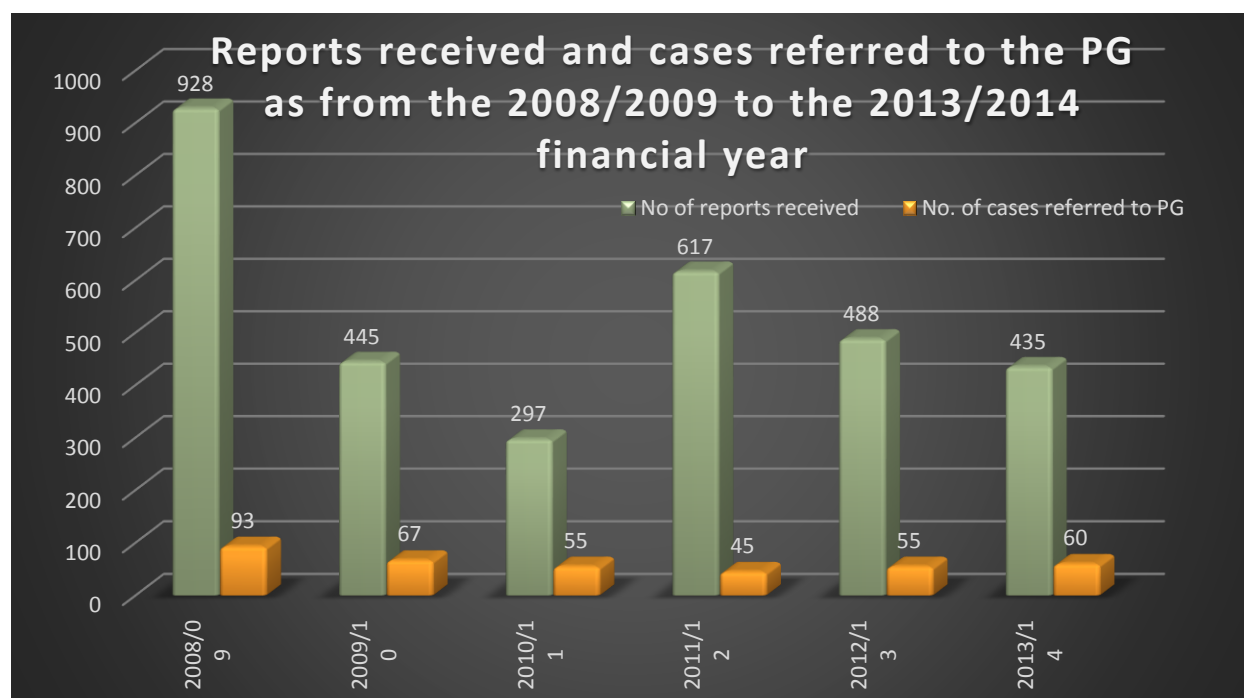
In addition, ten (10) cases were regarded as unfounded after investigation as they were found to be false or without merit. In thirty-four (34) cases, after investigations were conducted, the allegations couldn't be substantiated on the available evidence.

In fifty-six (56) cases investigations are ongoing, twenty-two (22) cases are in court and twenty-three (23) cases are pending awaiting the Prosecutor-General's decision. The Prosecutor-General declined to prosecute in nine (9) cases. The decision not to prosecute in most of the cases is due for the reason that such cases merit disciplinary actions by the relevant authorities. The Commission in such instances referred the decision of PG to relevant authority with directive to institute disciplinary proceedings.



Of the 435 reports of alleged corrupt practices received during the period under review 60 cases were referred to the Prosecutor-General. After the 2008/09 financial year there was a reduction in the number of reports of alleged corrupt practices received by the ACC. However, during the 2011/12 financial year the number of reports received increased again, but thereafter reduced during the 2012/13 and 2013/14 financial years with 20% and 29%, respectively.

The table below shows the number of reports received and the cases referred to the Prosecutor-General for each financial year between 2008/09 and 2013/14 financial years.



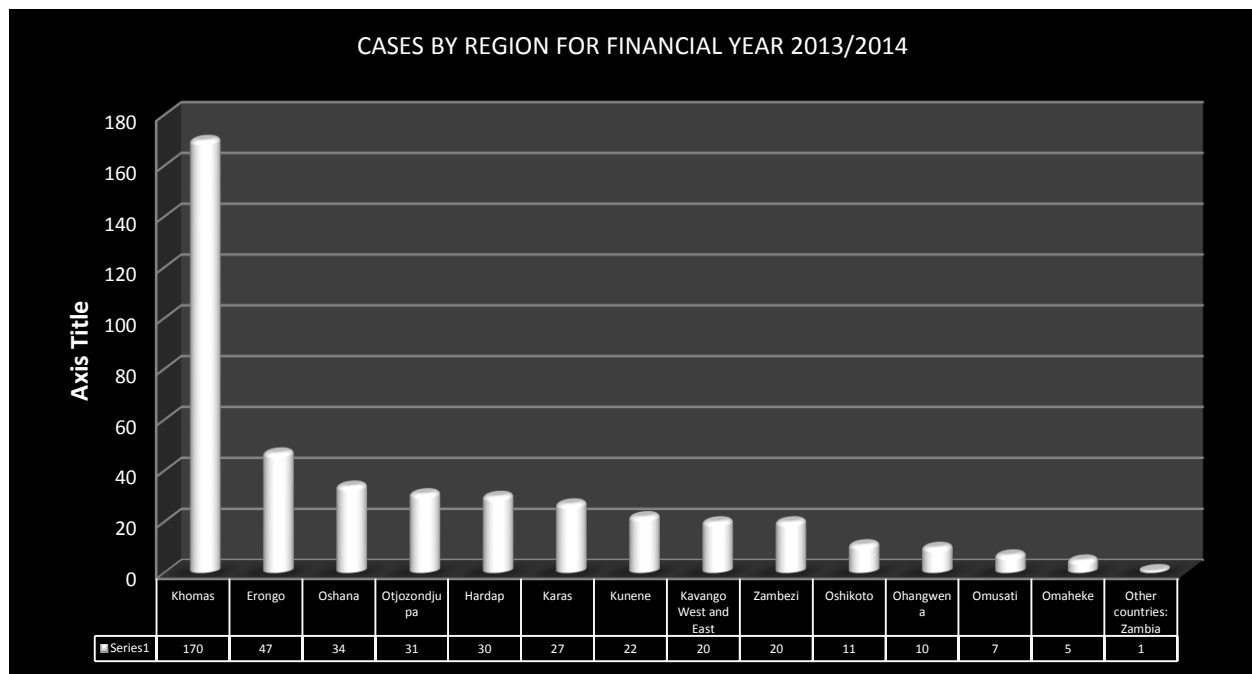
The table below summarizes the status of the 4864 cases received by the ACC since its inception, in 2006 to date.

Summary of cases received by the ACC since the 2006/2007 financial year up to the end of 2013/2014 financial year	
Case Status	No. of cases
Closed	1987
Referred without feedback	1186
Unsubstantiated after investigation	593
Unfounded after investigation	440
Ongoing investigations	216
In court	191
Prosecutor- General declined to prosecute	73
Convictions	70
Acquittals	34
Pending referred with feedback	26
Pending Prosecutor General decision	24
New reports waiting for decisions by Director	17
Cases returned by Prosecutor-General with instructions	7
Total	4864

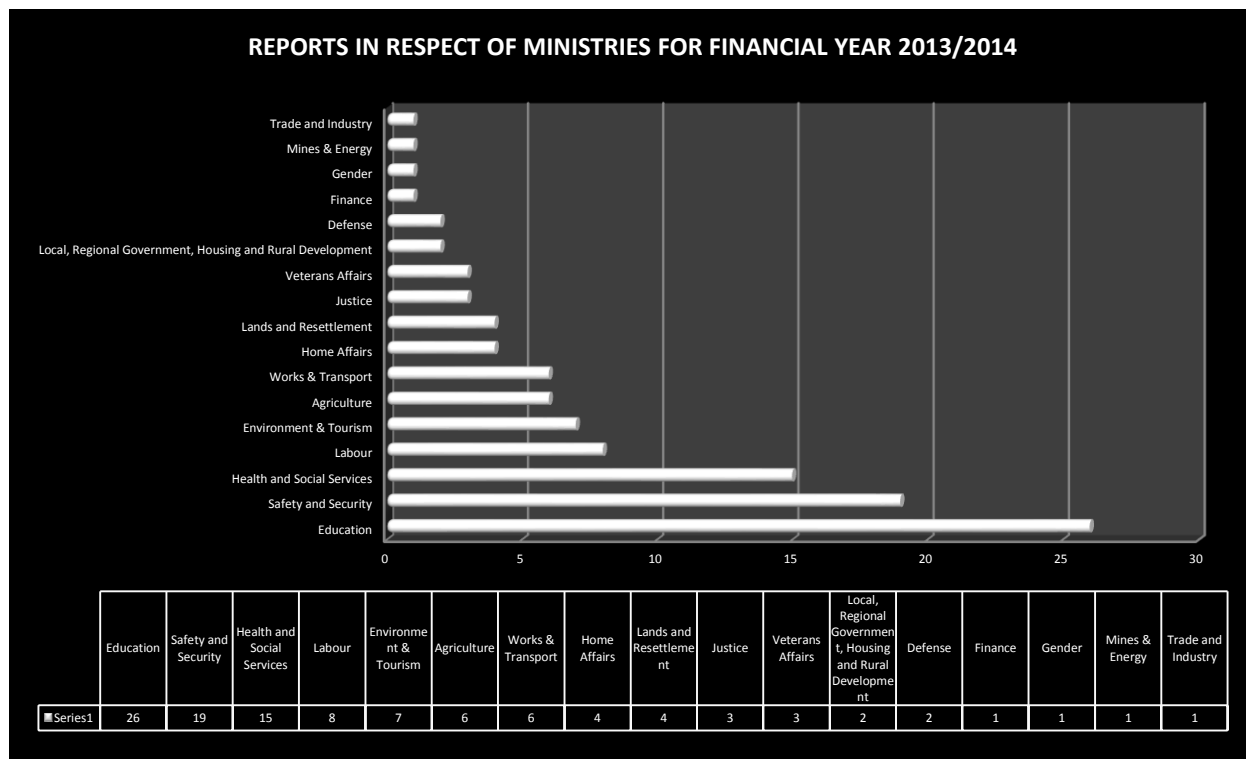
Geographical Breakdown of reports received for the 2013/2014 financial year

The figure below shows the geographical breakdown of reports of alleged corrupt practices received by the ACC during the period under review. As depicted in the figure about 40% of the reports received by the ACC are from the Khomas region. Reports linked to Erongo, Oshana, Otjozondjupa, Hardap and Karas Regions are 11%, 8%, 7%, 7% and 6 %, respectively. 5% or less of the reports are from the other remaining regions.

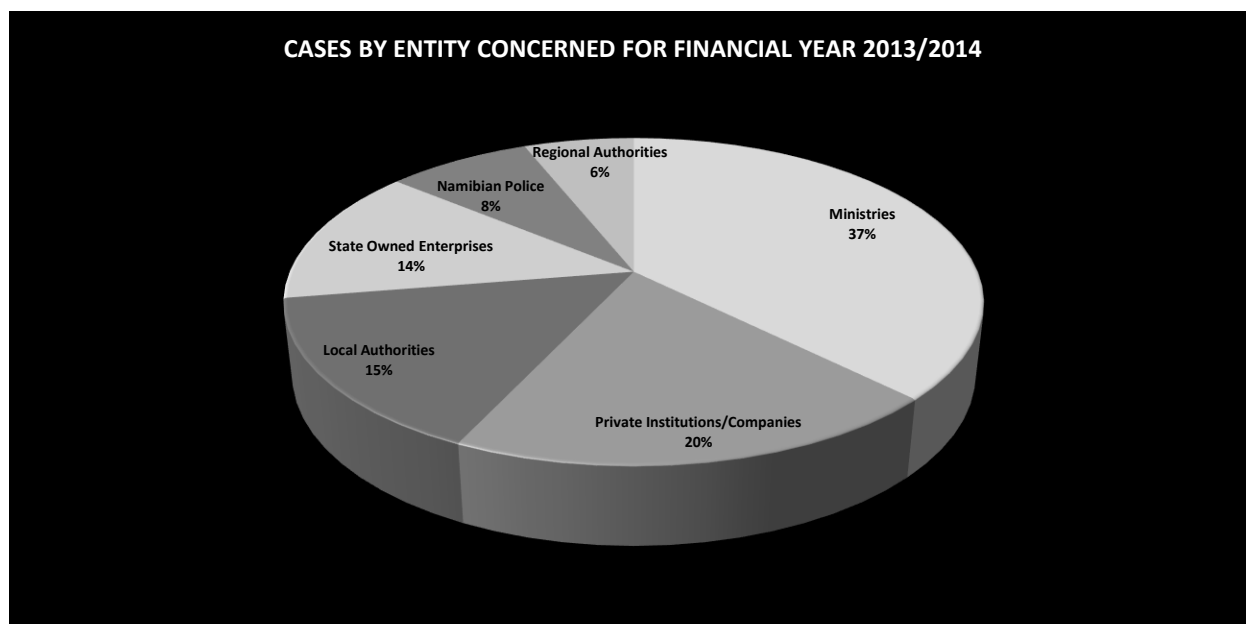
Geographical breakdown of reports by regions



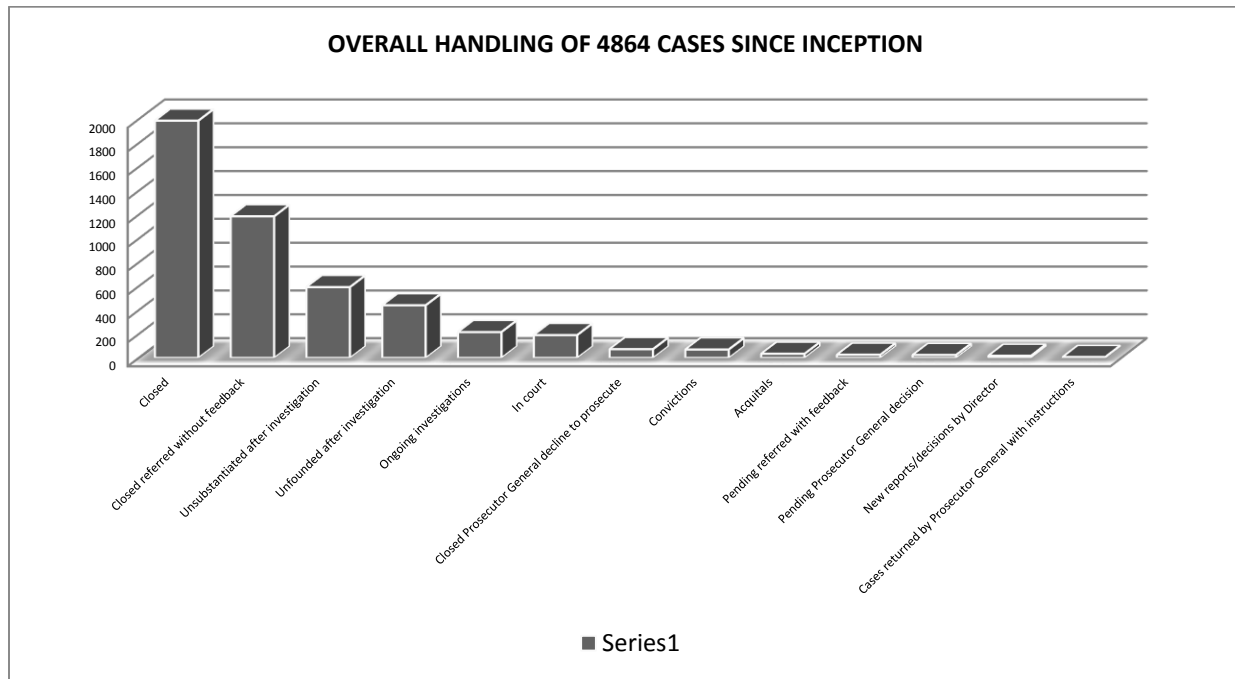
NUMBER OF CASES REPORTED IN RESPECT OF VARIOUS MINISTRIES



CASES BY ENTITY



OVERALL HANDLING OF CASES SINCE INCEPTION



DIRECTORATE OF PUBLIC EDUCATION AND CORRUPTION PREVENTION



Ms Namupa Nengola
Head: Public Education and Corruption Prevention

Core responsibilities

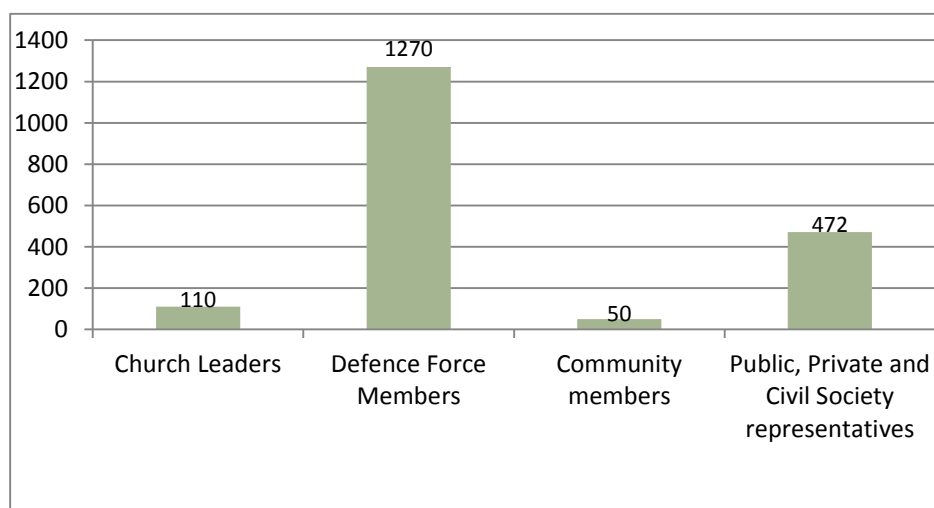
The Directorate of Public Education and Corruption Prevention core responsibilities include –

- to educate the public on the evils of corruption and foster ethical values. This is done through training and integrity related workshops that are tailor-made to meet the needs of target groups;
- to identify weaknesses and shortcomings in the systems, practices and policies of public and private bodies and advise on the changes to be effected thereto in order to prevent the occurrence of corruption;
- to design projects and conduct surveys to assess the public opinion and perception on corruption as well as to make recommendations on better prevention of corruption.

RAISING PUBLIC AWARENESS ON THE RISKS OF CORRUPTION

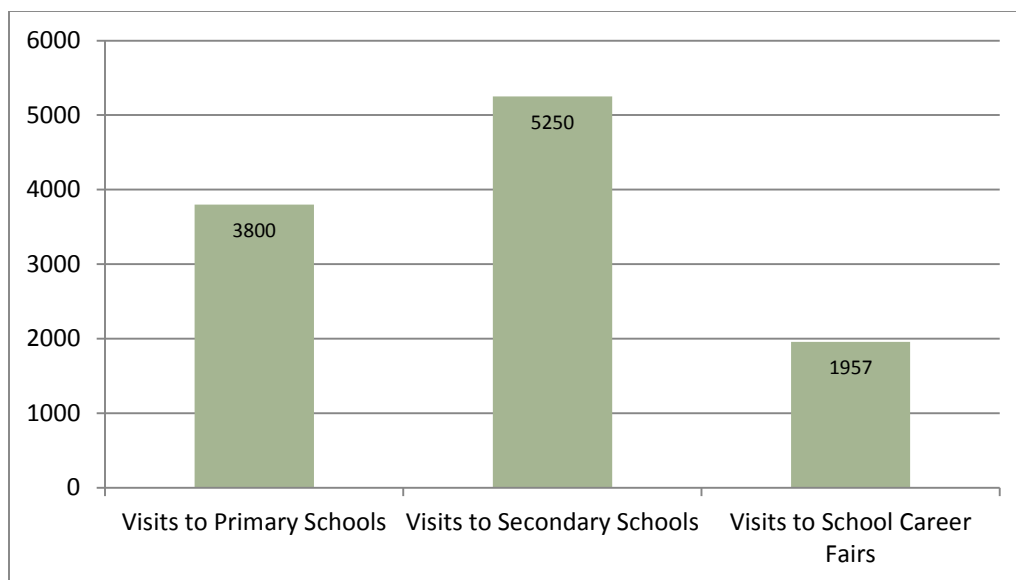
The Commission held seminars and workshops with various stakeholders such as the public and private sector, youth groups, traditional leaders and church leaders as well as various non-governmental organizations. The objectives of these sensitization workshops and seminars are, amongst others, to sensitize the stakeholders on the dangers and evil of corruption and equip them with relevant information on corruption.

The figure below shows the number of people and stakeholders who participated in the workshops and seminars.



Youth Outreach Programme

The figure below shows the number of learners the ACC interacted with through school visits or school career fairs.



The ACC through its Oshana Regional Office in Oshakati participated in two Regional Annual School Career Fairs in the Oshana and Omusati regions, respectively.

The Oshana Career Fair was held during 28-30 May 2013 while that in Omusati took place during 17-21 June 2013. In total 142 schools participated. 1957 Participants were learners and 156 were teachers.



Depicted are some of the learners at the Oshana career fair.

The ACC also conducted sensitization seminars at public schools country-wide.

The aim of the school visit programs is to instill a culture of honesty among the schoolgoing youths and enlist their supports in the fight against corruption.

In the Zambezi Region, the ACC addressed 600 learners at Bukalo Primary School and 400 learners at Nsundano Secondary School in the Kabbe Constituency.

Also during the period under review, the ACC visited the Nkurenkure High School in the Kavango West Region.

The total number of learners sensitized in the two regions was 1650.

The ACC Head Office visited Jan Jonker Afrikaner High School and Goreangab Junior

Secondary school in February and interacted with 1200 learners.



Learners at Jan Jonker Secondary School

In the Erongo Region, the ACC through its office in Swakopmund addressed 3200 learners between January and April 2014.



Learners at Usakos Junior School

In the Otjizondjupa region, the ACC through its Office in Otjiwarongo addressed a total of 3000 learners and 78 teachers at three different schools in that region.

The School visited were Karundu Primary School, Donatus Primary and Donatus Secondary School. In addition to this an Anti – Corruption Club was established at Donatus Secondary School.



Anti-Corruption Club members at Donatus Secondary School in Otjozondjupa

The ACC takes recognition of the active anti-corruption youth, the Kavango Youth Against Corruption Theatre Group, that continues to educate the youth about the dangers of corruption mainly in the Kavango Region.

Coordinated by Mr. Katembo Augustinus the group was established in August 2008 and is currently having youth clubs in the

constituencies of Mavanze village 15 Km south of Rundu (18 member); Katjinakatji village 100 km south of Rundu (24 members); Rupara 70 km west of Rundu (24 members); and Rundu Unam Campus (22 members). In total the youth club has 158 youth members.



Public officials

The ACC through its Oshakati Office conducted sensitization seminars for members of the Namibian Defence Force in Oshana, Oshikoto and the Kavango Eest Regions.

The Office visited the Oshakati, Ondangwa, Oshivelo and Rundu Military base during the month of April 2013. Over 600 NDF members were sensitized during this exercise.

The ACC Head Office also conducted sensitization seminars for the Namibian Defence Force in the Otjozondjupa and Erongo Regions between June and July 2013. The team addressed a total of 450 Air Force Wing Members at Grootfontein in June 2013.

In addition the Head Office conducted sensitization seminars for the Namibian Defence Force (Naval Force) in July 2013 in Walvis Bay. A total of 230 Defence Force Members attended the seminars.

ACC also gave a presentation to the Namibian Defence Force at Karibib Military School in February 2014. A total of 40 Defence Force Members were in attendance.



Members of the Defence Force at Karibib Military School

The ACC Head Office conducted sensitization seminars for representatives of the Public and Private Sectors and Civil Society in June 2013 in Grootfontein with 43 members participating, Otjiwarongo 42 participants, Katima Mulilo 38 participants and Rundu with 36 participants. In total 159 persons attended the seminars.

The ACC Oshakati Office participated in the NATIS Public Officials Education session that took place in July 2013. About 20 participants attended this session.



NATIS officials who participated in the ACC education session

ACC Head Office conducted sensitization seminar for the representatives of the Public and Private Sectors and Civil Society in July 2013 in Walvis Bay with 32 participants and in

Swakopmund with 40 participants. In total 72 persons attended the seminars.



Private Sector officials during a trained session in Swakopmund/Walvis Bay.

The ACC Swakopmund Office conducted sensitization seminars for 20 teachers and administrative staff at Festus! Gonteb Primary School in Swakopmund and at Kolin Foundation Junior Secondary School in Arandis in February 2014.



Staff at Kolin Foundation Junior Secondary School in Arandis

The ACC Otjiwarongo office conducted a sensitization seminar for Otjiwarongo Municipality Management and the Education Regional Office staff members in February 2014.



Sensitization seminar for ACC Administration staff members

ACC Head Office conducted a one day sensitization seminar for ACC Administration staff members in February 2014.



Information sharing seminar for ACC Administration staff members at the ACC Head Office.

Church Leaders Outreach Programmes

The ACC Oshakati office conducted a one day sensitization seminar for Anglican Senior Church Leaders in July 2013. A total number of 58 church leaders attended the seminar.

The ACC Swakopmund Office conducted a sensitization seminar for church leadership and

synod members (40) of the Evangelical Lutheran Church in the Republic of Namibia (ELCRN) in Walvisbay in March 2014.



Members of the ELCRN Circuit in Walvis Bay

Community outreach

The ACC Swakopmund Office conducted a sensitization seminar on corruption for 50 Topnaar Community Members. Among them was the Deputy-Chief Mr. Gotfried Anima. The office also visited the Governor's office, the Regional Police Commissioner's office and the Control Prosecutor's office, with the aim of creating relationships and soliciting support in the fight against corruption.



Members of the Topnaar Community during the seminar

The ACC Oshakati Office participated in a workshop on the UN Convention on the Rights of Persons with Disabilities in March 2014 at Oshakati Youth Centre. The workshop was facilitated by the Office of the Prime Minister with the objective of developing a country report on the implementation of the UN Convention on the Rights of Persons with Disabilities.



A group of persons with disabilities during the workshop in Oshakati.

DIVISION ADMINISTRATION

The Division Administration is responsible for managing the finances, procuring goods and services, providing information and communication technology services, and ensuring efficient human resources management at the ACC.

FINANCE SERVICES

The ACC received a budget allocation of N\$48 500 000 million for the financial year 2013/14 and utilized N\$43 805 627 which is 90% of the total allocated .The ACC through internal control measures facilitated prompt payment to its suppliers.



Mr Andreas Nangombe
Head: Administration

Development Budget: Financial Year 2013/14

The Anti-Corruption Commission received a Development Budget allocation of N\$12 million (Construction N\$ 8 000 000 and Acquisition of land N\$4 000 000) and an amount of N\$11 256 000 was spent, which translated in an execution rate of 93%.

TIPEEG Implementation Progress Report

OMA's	Budget (N\$ 000)	Expenditure (N\$ 000)	Variances %	Rate in %
Anti-Corruption Commission's Vote 30	12,000	11, 256	744	93

HEADQUARTERS

It has been the idea of the ACC to have a well fortified anti-corruption building suitable for the work of the Commission. The construction of such ACC Headquarters has been completed. The building was inaugurated by His Excellency Hifikepunye Pohamba, President of the Republic of Namibia on the 9th of December 2013, which coincided with the commemoration of the International Anti-Corruption Day. The tailor-made facility will ensure improving service delivery and a favourable environment to both the internal and external stakeholders of the Commission.

Besides its Headquarters, ACC has three regional offices that cater for service delivery to the nearby regions.



Newly Constructed ACC Headquarters

Human Resource Management

The following developments were recorded in respect of staffing during the financial year 2013/14:

Positions Advertised	18
New appointments and transfers from other OMA's	19
Promotions	5
Resignations	1

Human Resources Staff Development

During the financial year 2013/14 the Commission managed to capacitate staff members at various levels by providing training opportunities and financial assistance.

Type of Training	Males	Females	Total
Best Practices Confiscation and a framework for an on-going work on asset recovery, Windhoek	4	2	6
Protocol Diplomacy for Executive Secretaries and PA's workshop,	0	3	3

Windhoek			
Verification and Reconciliation of Government suspense accounts, Windhoek	1	0	1
Anti-Corruption Strategy, Singapore	0	1	1
Effective measures to prevent and combat corruption, Japan	1	1	1
Training Programme for Head of Public Community Education & Corruption Prevention, Botswana	0	2	2
Senior Management Development Programme, NIPAM, Windhoek	0	1	1
Implementation of the UN Convention on the rights of persons with disability, Oshakati	0	1	1
Training to pilot a Wellness Manual Kit, Windhoek	0	1	1
Foundation Programme, NIPAM, Windhoek	1	4	5
National Workshop on International Cooperation in criminal matters related to Transnational organised crime, terrorism and corruption	4	1	5
Encase Forensic Training, South Africa	1	0	1
Induction Programme	7	11	18
Financial Assistance	Males	Females	Total
Degree qualifying (LLB)	1	0	1

Human Capital Management System (HCMS)

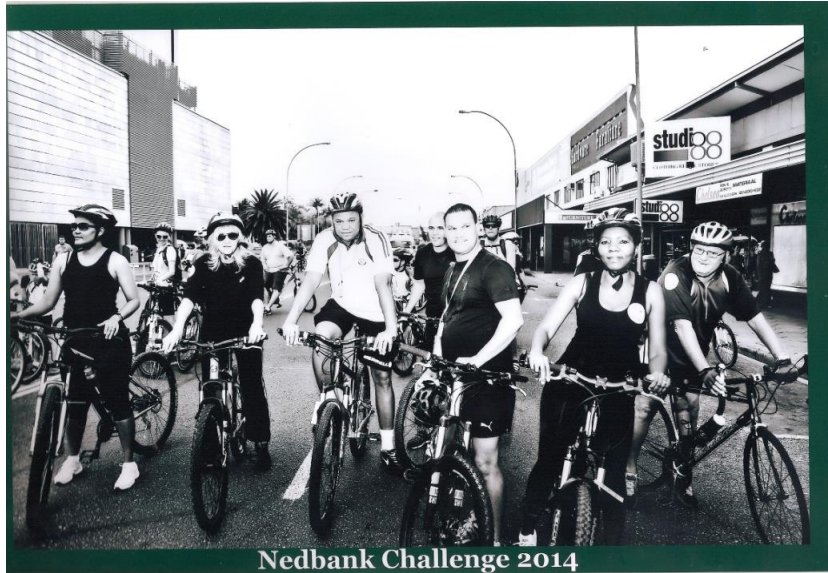
All new appointed staff members are connected on the HCMS System and receive training on how to apply leaves on this system. All staff members' salaries and grades are also adjusted on the said system, using the Reward Management System which was implemented on 1 April 2013.

Affirmative Action Report

The Commission submitted its last report for the 3rd year cycle 2010 – 2013 and has been awarded an Affirmative Action Compliance Certificate.

Wellness Programme

The welfare of employees has a direct impact on the success of any organisation. The ACC regards its employees as its most valuable asset and thus provide the necessary support to ensure the wellness of its staff members. Effective wellness programmes increase the wellbeing and job satisfaction of the staff members and consequently result in retention of staff members, lower absenteeism rate and decrease health care costs, amongst others.



As part of the Wellness programme, a team of ACC staff members successfully participated in the Volleyball Tournament on the 1st February 2014 and the Nedbank Cycling Challenge on the 23rd of February 2014.

CONCLUSION

Fighting corruption and promoting good governance should remain one of the priority agenda of government. Corruption undermines good governance, economic development, and the rule of law. Corruption further weakens public and private institutions which are the foundations for economic growth.

It is a menace that must be confronted by all of us in all sectors of society. It is not a responsibility left to law enforcement agencies alone. Particularly, national leadership at political level has a duty to pursue national policies, programmes and introduce projects that bring about positive interventions to improve the livelihood of the poor. We cannot be proud of ourselves as a nation when the majority of our citizens are living in undesirable conditions. The poor and vulnerable members of the society will always believe that they are in such conditions because of corruption and mismanagement of public resources. It must thus be taken note that lack of proper execution or non-execution of national projects has an adverse impact on the citizenry. As sometimes said, it is not enough to be efficient but service delivery and implementation of projects must be done effectively.

National leadership at all levels must be in the forefront to increase awareness campaigns against corruption, malfeasance and wastage of resources. Since corruption is not just a business for the government alone to tackle, private sector must as well continue to play its part. They too are required to introduce preventative anti-corruption measures in their business policies in compliance with the law against bribery. Private companies are suppliers of services and at times it takes officials from the private companies to offer bribes to officials in government services in exchange for the award of tenders. This demonstrates the need for strengthening the synergy of all sectors in confronting the cancer of corruption. Otherwise, it destroys the moral fabric of society. The positive gains Namibia has achieved since independence must be jealously guarded. At the same time efforts must be doubled to increase the values of integrity, transparency and accountability.



BE PART OF THE FIGHT!

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