

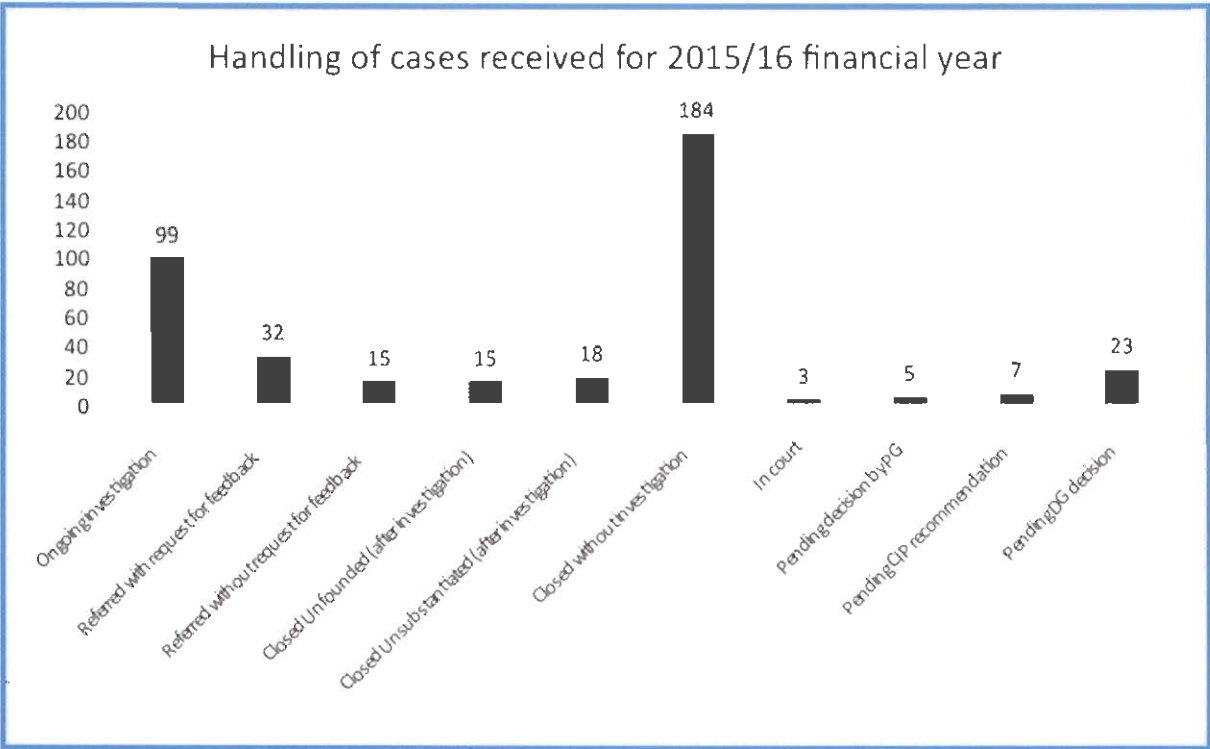
DIRECTORATE OF INVESTIGATION

HANDLING OF ALL CASES RECEIVED FOR 2015/16

The Directorate received 401 reports of alleged corrupt practices. Of these reports, 172 (43%) were accepted for investigation. The number of complaints received by the ACC decreased by 6% from 427 in the 2014/15 year to 401 in the 2015/16 year.

Besides corruption related complaints, the ACC received many other complaints which pertain to other offences. The ACC refers all non-corruption related complaints received to the relevant authorities for their necessary action. A total of 15 cases were referred to other institutions without any feedback being requested and a further 184 cases were closed without investigation. Cases are sometimes closed without investigation as there is no reasonable grounds to warrant an investigation, the matter is non jurisdictional, the matter is the subject of investigation by another body or the complaint is frivolous or vexatious.

Below is a chart indicating the handling of the 401 cases reported for the 2015/16 financial year



(Closed without investigation-refers to cases where there were no merit for investigation)

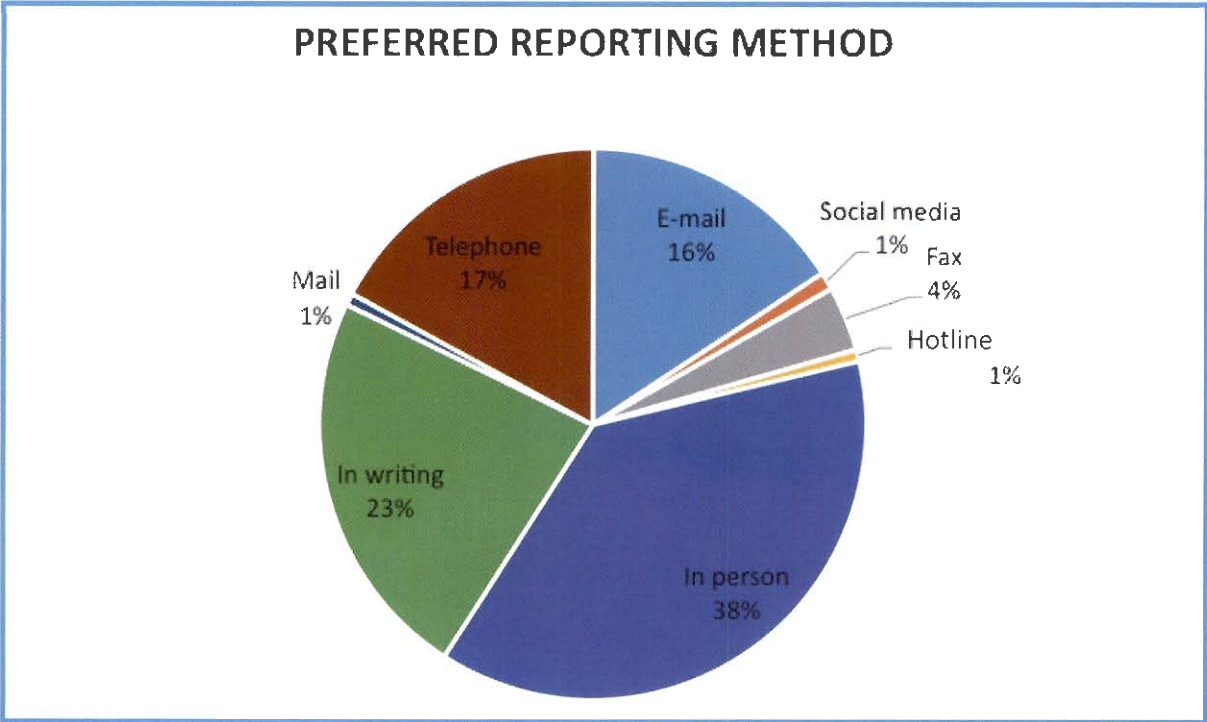
ONGOING INVESTIGATIONS CARRIED OVER FROM PREVIOUS YEARS

During the 2015/2016 financial year the Directorate carried over 183 active investigations accumulated from previous years. This would bring the number of ongoing investigations for the period under review to 319. Since inception the ACC received a total of 5696 complaints of which 319 are currently ongoing investigations. This translates into a finalization rate of 94% of all cases received.

PREFERRED METHOD OF REPORTING

The predominant mode through which the complaints were received by the ACC were through reporting in person (38%) and complaints in writing (23%). The figure below shows the other modes through which the complaints were received for the year 2015/16.

The ACC takes a serious view of all complaints with an undertone of corruption. All corruption complaints received by the ACC will be deliberated upon by the Director-General and members of the Directorate of Investigation and Prosecution to determine whether the complaints contain sufficient information for investigation or other follow-up actions. All complaints will be deliberated upon in the same manner regardless of the nature or amount of the gratification or whether the complainant has identified himself or chooses to remain anonymous.



SOME CASES REFERRED TO PROSECUTOR-GENERAL DURING PERIOD UNDER REVIEW

During the period under review the Directorate forwarded 29 cases to the Office of the Prosecutor-General. In 13 cases the Prosecutor-General decided to prosecute and these cases are before court.

12 Cases at the end of the year under review were still with the Office of the Prosecutor-General for a decision, whilst four cases were returned with instructions for further investigation.

A summary of some of the cases forwarded within this period under review follows underneath.

No	Institution concerned	Position	Summary	Value	Charges
1.	Ministry of Education	Public Official	<p>The initial allegation levelled against an official employed by the Ministry of Education a Public body corruptly misused or used his office or position to obtain a gratification for the benefit of himself or any other person by submitting his own quotation for Vision Event and Communication Technology CC 2011/4297, Grand Master Printing CC 2011/2055, Vision Set Graphic and Printing CC 2011/2054 and allegedly supplied Goods and Services without permission to perform Remunerative Work.</p>		<p>Count 1: Contravening section 36 read with Sections 32, 46, 49 and 51 of the Anti-Corruption Act -corruptly acquiring private Interest by a public officer.</p> <p>Count 2: Contravening sections, section 43(1) read with 32, 43(2),43(3), 46, 49 and 51 of the Anti-Corruption Act corruptly using office or position for gratification.</p>
2.	Ministry of Health and Social Services	Public Servants and Private persons (8 Individuals)	Government employees and private persons conspired to channel a N\$ 4 945 057.15 payment into a bank account where they had access to it in order to misappropriate it	N\$ 4 945 057.15	Two counts of fraud, two counts of contravening section 43 of the Anti-Corruption Act (corruptly using office or position), two counts of contravening section section 46(b) (conspiring with another to commit corruption) of the Anti-Corruption Act and one count under the Prevention of Organised Crime Act.
3.	Namibian Police	Police Official	Police Official solicited a bribe from a member of the Public after performing a breathalyzer test in exchange for not arresting him.	N\$ 500-00	Contravening section 38(b) read with sections 32, 46,49 and 51 of the Anti - Corruption Act, bribery. (soliciting and accepting N\$500).

No	Institution concerned	Position	Summary	Value	Charges
4.	Hentiesbay Municipality	Public Officials and Private persons (3)	Submitted and paid out fraudulent claims in respect of construction work done	N\$ 788 995,96	Two counts of Contravening section 35(3) (Use of document with falsification by agent) and one charge of contravening section 46(b) of the Anti-Corruption Act (Conspiring with other person to commit corruption)
5.	Namibian Police	Police Official	Police Official allegedly misappropriated a stolen cell phone that he recovered upon investigation. It was later stolen from him. He utilized his official position to trace the persons who had possession of the cellphone and solicited a bribe of N\$ 600 from them in order not to arrest them	N\$ 600-00	Prosecutor General decision outstanding
6.	Ministry of Defence	Private person	Made misrepresentation to the Ministry of Defence in respect of ownership of a company to ensure that he could compete for a Tender		Three counts of fraud and one count of Contravening section 61 of the Value Added Tax Act
7.	Namibian Police	Private person	A Private person allegedly orchestrated a criminal scam from the Police cells where he was being detained and pretended to be a Police Official	N\$ 20 000-00	Count 1 Contravening section 33(a) read with sections 32, 46, 49 and 51 of the Anti-Corruption Act Corruptly soliciting or agreeing to accept a gratification as an inducement to do anything. Count 2 Contravening section 33 (a) of the Police Act Impersonating or falsely suggesting membership of the Force.
8.	Ministry of Justice	Messenger	A Messenger at the Court solicited various bribes from persons in order not to act against them in regard to maintenance matters.	N\$ 5000-00	Various charges in terms of the Anti-Corruption Act (contravening section 33 and 35)
9.	Oshikoto Regional Council	Public officials at Oshikoto Regional Council (2 Individuals)	Alleged corruption in regard to the construction of toilets in the Oshikoto Region	N\$ 20 000 000-00	Various charges in terms of the Anti-Corruption Act

No	Institution concerned	Position	Summary	Value	Charges
10.	Ministry of Finance	Private person	Private person provided false information to the ACC with regard to tax return and allegedly committed perjury	N\$ 26 000-00	Defeating or obstructing the course of justice. Alternatively: contravening section 29(1) (d) read with sections 32,43(2), 43(3), 46, 49 and 51 of the Anti-Corruption Act knowingly providing false information to an authorized officer.
11.	Forum for African Women Educationalists (Fawena)	Finance Officer	It is alleged that an employee (Finance Officer) with a NGO - FAWENA had through fraudulent and corrupt means quoted to supply wheelchairs through Loshi Investment Medical Supplies, a company in which he has an interest and for which he would receive payments from Fawena	N\$ 220 000-00	Pending Prosecutor-General decision
12.	Hardap Regional Council	Public Servant	A Public Official employed at Schlip Constituency Office under the Hardap Regional Council allegedly misused his office by misappropriating cash of prepaid water and electricity to the amount of N\$ 62,446.37	N\$ 62,446.37	Pending decision by Prosecutor-General
13.	Namibian Defence Force	NDF Official	A NDF Official allegedly misused NDF (Government Resources) for private errand		Pending decision by Prosecutor-General
14.	Ministry of Home Affairs & Immigration	Public Official	A cleaner allegedly ran a criminal scheme where persons had to pay her to secure employment within the Ministry.		Prosecution pending
15.	Private person	Private person	A private person who was arrested by the Namibian Police offered the Investigator an amount of N\$ 2000 in order to sway him not to oppose the bail.	N\$2000-00	Pending decision by Prosecutor-General

No	Institution concerned	Position	Summary	Value	Charges
16.	Ministry of Education, Arts and Culture	Public officer and one private person	A supplier allegedly fabricated fake invoices on which the Ministry of Education made payments	N\$ 455 000-00	Pending decision by Prosecutor-General
17.	Ministry of Justice	Public Prosecutor	A Public Prosecutor allegedly corruptly withdrew a criminal case for an accused person		Pending decision by Prosecutor-General
18.	Erongo Regional Council	Public Official	An employee at the Okombahe Constituency misappropriated money of the Regional Council	N\$ 800-00	Pending Prosecutor-General decision.
19.	Ministry of Works and Transport	Public Official	Allegations that a Works Inspector awarded work to a company in which he has interest and received bribes from companies that he allocated work to.		Pending Prosecutor-General decision.
20.	Ministry of Youth	Youth Officer	Youth Officer submitted an invoice for payment whilst no services were delivered		Prosecution pending
21.	Namibian Police	Police Officer	Subsistence and travel allowances claimed whilst no travel took place		Prosecution pending
22.	Ministry of Home Affairs & Immigration	Immigration Officer	An Immigration Officer solicited a bribe for fast tracking a work permit		Prosecution pending
23.	Hardap Region	Public official	Alleged corruption in respect of favouring relatives.		Pending Prosecutor-General decision
24.	Ministry of Justice	Magistrate	Alleged corruption in respect of a Magistrate who manipulated case management system to prevent the forfeiture of bail money.		Pending Prosecutor-General's decision.

OTHER NOTABLE CASES UNDER INVESTIGATION BY THE COMMISSION IN THE SAID FINANCIAL YEAR

NO	ACC REF	BRIEF DESCRIPTION	ESTIMATED VALUE
1.	ACC HQO 15-001528	Allegations of corruption by a former Namibia Development Corporation employee	N\$ 5 761 152.74
2.	ACC HQO 15-001554	Alleged corruption at Polytechnic where forged documentation was utilized in order to unblock students who had outstanding debts to enable them to register.	N\$ 11 million
3.	ACC HQO 15-001556 & others	Alleged corruption in the allocation of Fish Quotas and appointment at Fishcor	NA
4.	ACC HQO 15-001619	Allegations of corruption in procurement processes within the Prison Services	NA
5.	ACC HQO 15-001624	Investigations into alleged corruption and unexplained wealth of Customs Officials in Walvisbay	NA
6.	ACC HQO 15-001644	Alleged corruption in respect of the disbursement of funds held in trust at the Master of the High Court.	NA
7.	ACC HQO 15-001711	A bribe allegedly solicited at UNAM in order to award a security contract	N\$ 1 million
8.	ACC HQO 15-001728	Awarding of work and payments to consulting firm in respect of the short term power generation project	NA
9.	ACC HQO 15-001789	Alleged fraud by an employee of Aveshe and Angolan Nationals to submit fraudulent VAT claims	NAD 114 million
10.	ACC HQO 15-001820	Investigations into allegations that the awarding of tenders for National Oil Storage Project was corruptly altered by a public official.	NA
11.	ACC HQO 16-001853 & others	Various investigations into alleged corruption between Immigration Officials and Zimbabwean Nationals where their passports are extended against payment and without them presenting themselves at the border posts.	NA

ACTIVITIES UNDER THE PREVENTION OF ORGANIZED CRIME ACT (POCA)

- ACC HQO 15-001557 – The Commission forwarded documentation to the Asset Forfeiture Unit at the Office of the Prosecutor-General in order to restrain an amount of N\$ 2 787 504-37 that was transferred into the account of an employee of August 26 Industries (Pty) Ltd. The origins of the funds are suspicious and currently the matter is being handled by the Asset Forfeiture Unit.
- ACC HQO 15-001789 – The High Court granted forfeiture orders in respect of the accounts of various Angolans and Aveshe Consulting totaling N\$ 20 466 252-24.
- ACC HQO 12-000282 – The High Court granted a forfeiture order for a total of N\$ 2 554 834-50 as well as a motorvehicle.

GENERAL COMPARISON WITH OTHER WORLD LEADING ANTI-CORRUPTION INSTITUTIONS

CPI rating	Institution	Country population	Investigators	Ratio	Total complaints received	Pursuable complaints investigated	Cases forwarded for prosecution
88	KPK Indonesia (Komisi Pemberantasan Korupsi) 	241 million	700	1:344 285	6344	706(11%)	13 (1,84%)
8	CPIB Singapore (Corrupt Practices Investigation Bureau) 	5 689 182	120	1:47 409-85	877	132 (15%)	120 (90%)
18	Hong Kong ICAC (Independent Commission Against Corruption) 	7 071 600	900	1:7857	2362	1556(65%)	223 (9,4%)
13	ICAC New South Wales Australia 	7 640 000	49	1:155 918	3146	42(1.34%)	13 (30%)
45	ICAC Mauritius 	1 278 119	89	1:14 360	1500	569 (38%)	29(5%)
45	ACC Namibia 	2 430 844	22	1:110 492	427	209 (49%)	34 (16,2%)



STOP
CORRUPTION

DIVISION

ADMINISTRATION

FINANCE SECTION:

Financial management mainly focuses on proper utilization of operational and development budget allocations to ensure that ministerial programmes are successfully executed and strategic objectives are realized.

Operational Budget:

The ACC spent its budget without overspending on any of the main divisions. All payments were made within the financial year.

Development Budget:

None.

HUMAN RESOURCES SECTION:

The ACC staff compliment is 90 (ninety) staff members and 2 (two) Public Office bearers. At the end of the 2015/16 financial year there were 79 (seventy-nine) staff members on our staff establishment, 2 (two) resignations, 6 (six) transfers, 1 (one) early retirement and 17 (seventeen) vacant positions.

The ACC has experienced high labour turnover and lack of manpower, particularly in Human Resource Department. There is a need to review the structure of the ACC with the view to increase its capacity especially with regard to staff performing core functions.

TRAINING AND DEVELOPMENT:

The Public Service of Namibia is currently experiencing acute shortages and, in some cases, a complete lack of skilled and competent human resources. These shortages hamper its ability to contribute effectively to the achievement of Vision 2030.

The Anti-Corruption Commission recognizes that staff development is an ongoing process that must be planned, developed and executed in an efficient, fair, transparent and economic manner. The Anti-Corruption Commission should ensure training in all core areas namely Investigation, Education and Corruption Prevention, Management as well as the staff that support these core functions. The Anti-Corruption Commission recognizes that the operations of the Commission are unique and specialized, and relevant training stakeholders should be identified to assist in optimizing training.

About fourty five (45) staff members were capacitated through short courses during the 2015/16 financial year. A total amount of N\$ 461,247.64 was spent on the following short courses:

- Financial Investigation System (19)
- Cleaning Procedures & Practices
- Procurement Bill
- Procurement and Supply Chain Management (2)
- Integrity Management Workshop – (21)
- Basic stock Taking (3)

CONCLUSION

The appropriate option to combat corruption is when preventive measures are put in place. Prevention takes many different strategies. There is no one size fits all approach in the fight and prevention against corruption.

Corruption is a complex phenomenon found in all institutions. It is a crime committed through illicit financial flows, tax evasion, bribery, and other unlawful acts. The National Anti-Corruption Strategy and Action Plan is particularly aimed to build a strong national integrity system, whereby institutions are expected to introduce effective anti-corruption measures in the relevant laws and policies.

Leading countries which are today perceived to be least corrupt employed similar strategies in the governance systems. Service delivery to the public becomes effective when meritocratic systems are instituted for appointment, promotion, remuneration and performance evaluation in public institutions.

Governance becomes more effective when there is greater transparency in the procedures, process and decisions relating to public procurement. An honest and transparent system is key to good governance. A well-functioning, competent, independent and clean judiciary is key to preventing corruption in a democratic society that upholds rule of law. Conducting extensive anti-corruption education is an effective mean to prevent corruption.

It is as well acknowledged that the private sector plays a significant role in prevention of corruption. Accountability, transparency, integrity and respect for rule of law create a conducive business environment as well as opportunity for investment. Weak institutions for corporate governance result in inefficiency and encourage corruption.

Engaging civil society and the media is also an important pillar in prevention of corruption. These stakeholders have an important role to play in constraining corruption. A free and open media is instrumental in exposing corruption by reporting on the suspicious conducts of corruption. Constructive criticism of decisions by Government consolidates democracy. Similarly, access to information is one of the requirements for the elimination of corruption. Access to information may however be limited on matters related to privacy, confidential information, safety of persons and property, protection of privileged records, security of State and international relations.

Finally, Namibia is a member of the global family. Namibia must therefore move in the same direction as the rest of the world. Our road map should be geared towards the implementation of African Union Convention on Preventing and Combating Corruption, United Nations Convention Against Corruption and the United Nations Sustainable Development Goals.

NOTES

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