The Role of Anti-Corruption Agencies: The International Experience

Reviewing Corruption Prevention Measures Under the UNCAC
17 September 2013
Amman, Jordan
UNCAC: Articles 6 and 36

Article 6: Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies…that prevent corruption by such means as: a) Implementing the policies referred to in article 5 (regarding prevention); and b) Increasing and disseminating knowledge about the prevention of corruption.

Article 36: Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies of persons specialized in combating corruption through law enforcement.
Types of Mandates

Prevention of Corruption: The emphasis is placed on mechanisms to prevent corruption in the public and private sectors. It could also include public awareness.

Detection and Investigation of Corruption: To carry out initial investigations, which can include the powers of arrest and prosecution.

Development of Policy and Legislation: To address questions of prevention and criminalization.

Intra-governmental Coordination: Often acting as a Secretariat for the coordination of governmental institutions involved in anti-corruption.
Malaysia Anti-Corruption Commission

Malaysia Anti-Corruption Commission

Chief Commissioner
(Tan Sri Abu Kassim bin Mohamed)

Deputy Chief Commissioner
OPERAION
(Deputy Chief Com. Datuk Hj. Mohd Shukri bin Abdull)

Deputy Chief Commissioner
PREVENTION
(Com. Datuk' Hj. Surinah Binti Sultan)

Deputy Chief Commissioner
MANAGEMENT & PROFESSIONALISM
(Com. Dato' Hj Zakaria bin Hj. Jaffri)

Director
LEGAL & PROSECUTION DIVISION
(Dato' Hj. Abdul Razak bin Musa)

Director
STRATEGIC COMMUNICATION DIVISION
(Vacant)

Director
POLICY, PLANNING & RESEARCH DIVISION
(Deputy Com. Dato' Ahmad Khwarezi bin Yahaya)

Director
MONITORING & COORDINATION DIVISION
(Dato' Hisham bin Nordia)

LEGAL ADVISOR
(Vacant)

Director
INVESTIGATION DIVISION
(Com. Datuk Hj. Mustafiz bin Ali)

Director
SPECIAL OPERATIONS DIVISION
(Deputy Com. Dato' Mohd Jamadi bin Abdulah)

Director
FORENSIC DIVISION
(Datuk IJ Chandran)

Director
INTELLIGENCE DIVISION
(Deputy Com. Dato' Hj. Azmi bin Bekki)

Director
RECORD MANAGEMENT & INFORMATION TECHNOLOGY DIVISION
(SAC Hj. Nor Asmil bin Karim)

Director
INSPECTION & CONSULTANCY DIVISION
(Deputy Com. Dato' Hj. Mohammad Yusuff bin Atiq)

Director
COMMUNITY EDUCATION DIVISION
(Deputy Com. Dato' Shamshun Baharin bin Mohd Jamadi)

Director
INTEGRITY MANAGEMENT DIVISION
(Deputy Com. Raja Rizq binti Raja Ahmad)

Director
MALAYSIA ANTI-CORRUPTION ACADEMY
(Deputy Com. Dato' Abdul Wahab bin Abdul Ahad)

Director
MANAGEMENT SERVICES DIVISION
(Hj. Rohani binti Kudir)

Director
FINANCE, ACCOUNT & DEVELOPMENT DIVISION
(Vacant)

Director
EXCELLENCE & PROFESSIONALISM DIVISION
(Chief SAC Ahmad Subari bin Mohd Nor)

Director
SECURITY DIVISION
(Chief SAC Attax bin Salim)
Hong Kong Independent Commission against Corruption

Hong Kong Independent Commission against Corruption

Issues to Consider

- Establishment of a clear separation between the prevention functions and investigative functions
- Methodology and procedures necessary to facilitate active coordination and information exchange internally
- Ongoing risk of duplication or overlap of functions, responsibilities and jurisdictions
- If an agency has an investigation mandate, it is important to have clear Terms of Reference with other law enforcement bodies to clarify roles and responsibilities.
Additional Questions to Consider

• Additional resources are required in order to ensure the effective implementation of an investigation mandate:
  
  ✓ Protection of witnesses
  ✓ Specialized personnel, particularly in financial investigations and electronic evidence
  ✓ Legal and judicial experts
  ✓ Corruption cases are often multi-faceted and complex
  ✓ Use of tools for detection and investigation, including special investigative techniques
For more information:

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