**UNOFFICIAL TRANSLATION OF THE**

**ANTI-CORRUPTION COMMISSION ACT**

Introduction and Title: 1. (a) This Act sets out the responsibilities, powers, mandate, qualifications and code of conduct/ethical standards of members of the Anti-Corruption Commission established under the Constitution of the Republic of Maldives and defines corruption.

(b) This Act shall be cited as the *“Anti-Corruption Commission Act”.*

Legal Status: 2. The Commission is an independent legal entity with a separate seal, possessing power to sue and suit against and to make undertakings in its own capacity.

Composition of the Commission: 3.The Anti-Corruption Commission comprises of 5 (five) members.

Appointment of Members: 4.

Pre-Requisites of the Members: 5.The members of the Commission shall fulfill the following pre-requisites;

1. Must be a Muslim
2. Must be a citizen of the Maldives
3. Must have attained 25 years of age
4. Must not be convicted of an offence punishable by *Hadd* during the last five years
5. Must not be a person holding an elected office or political position under the Constitution or any law of the republic of Maldives
6. Must not be employed in the Government or private sector
7. Must not have been convicted of an offence of attainment of undue advantage, cheating or bribery
8. Must not be convicted of a criminal offence and should not be in the process of serving a sentence of more than 12 months and where there has been a criminal conviction and sentenced for more than 12 months or where the punishment been pardoned, five year must have elapsed after the serving of the sentence or after the grant of pardon
9. Must not be a member of a political party nor engaged in the activities of a political party.

Term of Office of Members: 6. (a) The tenure of a member of the Commission is a single term of 5 (Five) years effective from the date of appointment.

(b) Members may be reappointed for an additional term of not more than 5-years except for those members dismissed as per Article 14 of this Act, such reappointment shall be subject to the approval of the People’s Majlis.

Appointment of the President and

Vice President of the Commission: 7.

Responsibilities of the President of the Commission: 8. The President of the Commission shall preside the

Meetings of the Commission and assign members to

Implement and supervise the various tasks of the

Commission.

Responsibilities of the Vice- President of the Commission: 9. should the President of the Commission be unable to

Undertake the responsibilities or declines to do so or the

Office of the President becomes vacant, the Vice-

President shall act as the surrogate for the President of

the Commission. The Vice-President shall also perform

all the duties assigned by the President.

Vacancy of Post: 10. a. The post of a member shall be deemed vacant

In the following circumstances;

1. End of tenure.
2. Resignation
3. Being dismissed as per Article 14 of this Act
4. Being elected to a political position under the Constitution or any law
5. Death
6. Failure to fulfill any prerequisites stipulated in this Act

b. The post of President or Vice President of the

of the Commission shall be deemed vacant under the

same circumstances where a member’s post becomes

vacant or when either the President or the Vice President

resigns from their post.

Filling Vacancy: 11.

Responsibilities of the Members of the Commission: 12. The responsibilities of the members of the Commission are as follows: a. Attend all meetings of the Commission

b. Perform all the responsibilities assigned by the Commission

Assumption of Office by the Members of the Commission: 13. The members of the Commission shall assume

Office upon taking, before a Judge the following oath.

“I, ... (name of the person)..., do swear in the name of Almighty Allah that I will respect the religion of Islam, that I will uphold the Constitution of the Republic of Maldives, that I will bear true faith and allegiance to the Maldives, and will discharge the duties and responsibilities of membership of the Anti-Corruption Commission honestly and faithfully in accordance with the Constitution and laws of the Republic of Maldives.”

Removal from Office: 14.

Resignation: 15.

Remuneration: 16. a. The People’s Majlis shall determine the remuneration and other financial benefits offered to the President, Vice-President and members of Commission.

b. Remuneration and other financial benefits offered to the President, Vice-President or members of the Commission shall not be reduced during their tenure.

c. The Commission shall determine upon discussion with the Ministry of Finance and Treasury, the remuneration and other financial benefits provided to the employees of the Commission.

Code of Conduct / Ethical Standards of the Members: 17.

Immunity: 18. No criminal or civil suit shall be filed against the President or Vice President or a member or an employee of the Commission in relation to committing or omitting an act in good faith whilst undertaking responsibilities of the Commission or exercising the powers conferred to the Commission by a law.

Meetings of the Commission: 19. A meeting of the Commission shall be held at least

once a month.

Quorum and Voting: 20. (a) To convene a meeting of the Commission a quorum of half of the members shall attend the meeting

(b) Decisions made by the Commission shall be subject to a majority of the votes cast by the members attending the meeting

Responsibilities of the Commission: 21. (a) To inquire and investigate all allegations of corruption; any complaints, information, or suspicion of corruption must be investigated;

(b) To recommend further inquiries and investigations by other investigatory bodies, and to recommend prosecution of alleged offences to the Prosecutor General, where warranted;

(c) To carry out research on the prevention of corruption and to submit recommendations for improvement to relevant authorities regarding actions to be taken;

(d) To promote the values of honesty and integrity in the operations of the State, and to promote public awareness of the dangers of corruption;

(e) conduct seminars, workshops and other programs to enhance public awareness on the prevention and prohibition of corruption, conduct surveys and researches to further this end and the publication of such surveys and researches;

(f) Disclose information pursuant to the prevention and prohibition of corruption that require public disclosure and publish statements where necessary;

(g) Carry out all functions which are necessary for the execution of the responsibilities of the Commission, and to facilitate pursuit of such functions.

(h) Implement and monitor the implementation of the Prevention and Prohibition of Corruption Act 2/2000 and formulate and implement all rules necessary for the implementation of the Act.

Powers of the Commission: 22. The Commission has the authority to carry out the following tasks in accordance with the laws and regulations on the criminal procedure.

1. Summon witnesses and obtain witness statement
2. Summon all persons in connection with an investigation and obtain statements

(c) Search, seize and examine documents related to an investigation.

(d) Entry into search, seizure and examination of premises of all such bodies that the Commission has the authority over in performing its duties

(e) Require any person or such body as the Commission believes to have information relating to an investigation to produce such information in writing.

(f) Upon failure of any institution to provide information or a report required by the Commission at a specified date, the Commission may take over such matter

(g) Persons being interrogated maybe restrained from departing from the Maldives without obtaining permission from the Commission

(h) Conduct open inquiries and closed inquiries

1. Conduct investigations under the supervision of a member or by a committee consisting of more than one member.

(j) Procurement of all equipments and tools necessary for the execution of the various tasks of the Commission.

(k) All such powers as maybe necessary for the execution of the functions under the Anti-Corruption Commission Act and all other laws against corruption.

Definition of Corruption: 23. Reference to offences of Corruption in this Act constitutes the offences covered in the Prevention and Prohibition of Corruption Act 2/2000

Jurisdiction of the Commission: 24. The Commission is vested with the authority to exercise all powers granted by the ACC Act and all functions necessary for the execution of its duties upon the following areas:

1. All institutions and staffs of the executive,
2. All institutions and staffs of the legislative

(c) All institutions and staffs of the judiciary

1. In addition to the institutions mentioned in (a), (b) and (c), the Commission shall have the authority to exercise its power on all the other institutions of the State.
2. Government operated companies and their staffs, and companies in which the government has a share
3. Companies, social groups or organizations, political parties or other such bodies that are financed by the State
4. All institutions or bodies and their staffs who are related to any case of corruption investigated by the Commission
5. All such bodies that are provided with government property or money under a government contract.
6. All institutions and their staff involved in any case investigated by the commission to prevent and prohibit corruption under this Act or any other Act
7. All matters related to property or money obtained or all such donations received for societal purposes by the atolls, islands or wards in the name of the people.
8. All foreign citizens whom the Commission believes to have a connection with a case investigated by the Commission.

Actions to be taken upon Closing of Inquiry:

Right to Defence:

Obeying the Orders of the Commission: 27. (a) It is a duty of Maldivian citizens and persons within the jurisdiction of the Maldives as per the Constitution of the Republic of Maldives, to obey orders to summon to the Commission, or provide information or submit a document to the Commission or act or refrain from committing an act required by the Commission, in relation to the powers conferred through the Commission’s responsibilities.

(b) A person failing to obey an order as per subsection (a) or commits an act causing disrepute to the Commission shall be punishable by 1 (one) month imprisonment, or 3 (three) months house arrest or shall be subject to a fine of MRF 3000/-

Refraining from Handling a Matter 28. (a) A member shall not involve to any extent, in a matter concerning their self-interest, personal involvement, or financial or any other personal gain, when such a matter is being investigated or the outcome of the matter is being decided by the Commission. Furthermore, although a member does not possess prior knowledge of such self-interest, personal involvement, or financial or any other personal gain in relation to the matter investigated by the Commission, when the member becomes aware of the said connections the President shall be informed of the situation and the member shall refrain from inquiring into the matter or in deciding its outcome.

(b) Should there be a conflict of interest of the President, it shall be informed to the Vice- Vice- President

(c)

Involving Self-Interest of a Member:

Appointment of the Secretary General and Staff of the Commission: 29. (a) The Commission shall appoint a Secretary General to administer the Commission, and the administration of the Commission shall be subject to regulations formulated by the Commission.

(b) The Commission is responsible for hiring employees to the Commission and dismissing employees from the Commission.

Financial Matters:

Annual Report:

Composition of the Commission and Nominating Candidates for the Post of Members of the Commission:

The Anti-Corruption Commission Established during the Transitional Period:

Commencement:

Repeal/Repealed Acts:

Formulation and Enforcement of Regulations:

Interpretation: