

GLOBAL EXPERT GROUP MEETING ON CORRUPTION INVOLVING
VAST QUANTITIES OF ASSETS
12 – 14 JUNE 2019
OSLO, NORWAY.

PRESENTATION ON INITIATIVE OF THE INTERNATIONAL
ASSOCIATION OF ANTI CORRUPTION AUTHORITIES (IAACA)

*“BETTER WAYS TO PROTECT JOURNALISTS AND WHISTLE-BLOWERS,
AS WELL AS INVESTIGATORS, PROSECUTORS AND JUDGES AND THEIR
INDEPENDENCE, BY THE INTERNATIONAL COMMUNITY”*

INTRODUCING THE SETTING UP OF
IAACA SPECIAL FUND

PRESENTED BY

TAN SRI ABU KASSIM BIN MOHAMED
DIRECTOR GENERAL NATIONAL CENTRE FOR GOVERNANCE,
INTEGRITY AND ANTI CORRUPTION
PRIME MINISTER’S OFFICE OF MALAYSIA

Your Excellencies, Ladies and Gentlemen

I am very honoured to stand here in addressing such an outstanding and distinguish experts in the fight against corruption. It is very heartening to see a total of no less than 143 participants representing a total of 43 nations and entities to discuss and deliberate on the fight against corruption especially involving vast quantities of assets.

2. Since the inception of the UNCAC, we had seen great support especially the political will in the fight against corruption. With great political will, cooperation and collaboration of the various anti-graft entities. We are moving in the right path to successfully fight corruption. However, along the way, there are often cases of potentially exposed hostility and retribution by key leaders in the ruling government against the anti-corruption agency and the graft fighters. There are cases of anti-corruption officials who had faced persecution and prosecution for delivering their responsibilities in ensuring effectivity in the fight against corruption especially involving high level politicians and their cronies or associates.

3. More often and not, the investigation against high level politicians, their cronies and associates failed. This has been the experience in many jurisdiction including in our own nation, Malaysia. When such high profile figures were involved, we would be challenged with fears, harassment, intimidation, and more so with physical attacks and death threats. These threats also applied to witnesses, whistleblowers, investigators, prosecutors, adjudicators, etc.

4 In Malaysia, the MACC officials faced some form of hostility from the leaders of the then government which includes harassment, intimidation and threats for its role in the investigation of the 1MDB and SRC against the previous Prime Minister. However the 14th General Election on the auspicious day of 9 May 2018, against all odds for the first time the ruling party was voted out of power after a wave of resentment towards the then prime minister for the corruption of undefinable proportion of state fund that he had plundered

and abused, that had finally brought down his government of 61 years.

5. Malaysia now more than ever before reaffirms its commitment with the international community in upholding the principles of integrity, good governance, the rule of law, justice and accountability in the fight against corruption. Most apparent of all, officials of the MACC that were intimidated, harassed and threatened over the investigation had been restored of their dignity, and returned to their positions to finish off the investigation that they had started. Now the former Prime Minister and his wife, the former Deputy Prime Minister, and a number of cronies and associates of the previous government were charged in court for their crimes and are on trial for corruption charges that had been brought against them.

6. Anti-Corruption Officials including its chiefs are not superheroes. Powerful hands of the executive can turn the table against the Anti-Corruption Agencies, if the ACA's would not submit itself to its whims and wills, then you become the state's enemy for anything that they can use against you, may it be treason, criminal abuse of power, a criminal conspiracy to bring down a legitimate government, etc, I can assure you that the experience that had happened in other jurisdiction are equally worrying if not more gruesome. Anti-Corruption officials from countries like Indonesia, Romania, Nigeria, Sri Lanka and etc had gone through the percussion of people in power.

7. The Government of Malaysia, had proposed an initiative after making reference to our own experience, and into some of the studies and resolutions made in other forums to provide a support initiative to chiefs and officials of Anti-Corruption Agencies that were victimized for genuinely fighting corruption. The study made prior to submitting the proposal makes reference to the "Jakarta Statement 2012" that was adopted in the Panama Declaration in 2013. Specific reference was made to an article authored by Samuel De Jaegere with the title; PRINCIPLES FOR ANTI-CORRUPTION

AGENCIES: A GAME CHANGER. In summary the article set out recommendations being the key to successful Anti-Corruption Agencies (ACAs) in accordance with the Twelve Principles for ACAs. A specific reference was made to the said article with the specific objective to raise awareness on examples of cases that practitioners of ACAs including its heads and officials are facing in trying to carry out their function in the investigation of corruption. Specifically, the examples demonstrated cases where ACAs officials and heads were threatened, harassed, dismissed, imprisoned, etc. The objective set out in this proposal paper is to set up IAACA Special Fund in order to enable this association to assist victimized practitioners of ACAs within the IAACA members that have succumbed to such threats against in their life and career. This Fund aims to offer them some support and assistance. This is to be set out in accordance with a set of rules and procedures to be agreed and followed by the Executive Board members of IAACA.

8. Proposal for the Formation of IAACA Special Funds had now been approved by the Executive Committee of IAACA. The Malaysian Government was the first contributor to the IAACA International Anti-Corruption Champion Fund where the Prime Minister had announced a contribution in the amount of RM500,000.00 (USD120,000) in December 2018. The Fund was later renamed "**Mahathir International Anti-Corruption Champion Fund**" by His Excellency Dr Ali Al Marri, the President of IAACA during the IAACA General Conference and General Meeting held at the Vienna International Centre (VIC), on 22 January 2019. The Government of Qatar had also pledged a contribution in the amount of Qatari Riyal (QAR) 1,000,000 (USD271, 000).

9. The action taken by IAACA in this is to draw up assistance that can be accorded to ACAs officials and heads with the following efforts;

- Setting up of a special fund with adequate allocation to assist ACAs officials and heads within IAACA membership who were forcefully threatened,

terminated, self-exiled due to threat to their life, malicious charges framed against them, etc.

- Provide opportunities for them to have a livelihood by offering them to become consultants or advisors in other anti-corruption entities, and in suitable international and regional organizations.
- Invitation as speakers in international seminars and forums,
- Potential appointments in secretariats;
- Assist them with testimonials and support for positions in UN and other international organizations where IAACA can help to recommend through its networking with the international and non-government communities, including in international or regional organizations.

10. It may also be recalled this proposal for assistance mechanism were raised by the Transparency International during the 18th International Anti-Corruption Conference 22-24 October 2018 in Copenhagen, Denmark with the theme *Together for Development, Peace and Security; Now is the Time to Act*. This is one effort where this association through the special fund could assist our counterparts when such calamity happen to them.

11. In conclusion, I wish to be stated that the answer to the big question, to prevent or protect investigators, prosecutors, judges, whistleblowers, and journalists from potential threats discussed above, has not been resolved. We all know and realize that the commitment to fighting corruption without fear or favour rests with strong political will at the top brass of any ruling government. I believe often any Anti-Corruption Agency will find itself at odds with the government that it served. That is the reason that being independence is an essence. Without a system that protects that independence, any Anti-Corruption establishment may and will at one time or another faced with the threat that we have described above.

An Anti-Corruption Agency that takes side to protect criminal abuse of top brass in a ruling government will lose all its credibility in the eyes of its people and the international community. A government that pledged transparency and zero tolerance against corruption but its own scandal, must be taken to account for its abusive and selective enforcement and double standards. The power of the people must ensued in order to ensure that the leaders of governments who abused executive power are put in check, to answer for their actions. Only then impunity of government abuses can be put to an end.

12. With this brief statement on the implementation of the IAACA Mahathir International Anti-Corruption Champion, I pray that all member countries of the IAACA will step forward to contribute to the fund to ensure effective help to the victims of anti-graft fighters. We at the IAACA will also work towards getting domestic and international conglomerates to also voluntarily contribute to the fund.

Thank you.