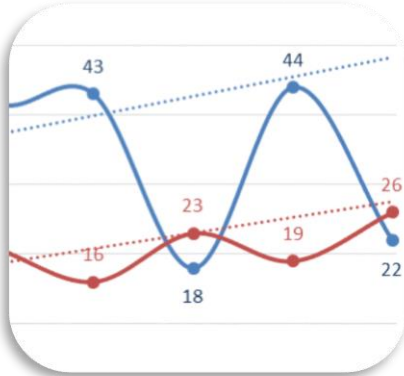


2016: The year in figures



At any point in time, ICAC processes an average of 250 live cases. As at date, 217 persons (involved in 181 cases) have been convicted for corruption and money laundering offences. Trends of ICAC's KPIs- (Key Performance Indicators) show that the Commission is now registering a constant progression in the number of complaints and number of investigations of corruption or money laundering offences. The figure of 1638 complaints for 2016 received by the Complaints and Advice Unit Processing (CAPU) in 2016 (figure 1) reflects the degree of public confidence in the Commission in honouring its investigative and prosecution mandate. That is an average of 6 complaints per day. Furthermore, the trend in cases lodged and number of convictions (figure 3) indicate that the numbers are on the increase. Furthermore, the rate of increase in the number of convictions is almost the same as the rate of increase of the number of cases lodged. However, the rate of complaints that do not fall within ICAC's purview remains high at 59.9%. To the extent that such complaints fall under the jurisdiction/mandate of other authorities, these are redirected to the latter by the CAPU officers...

Page 2

Activities around the International Anti-Corruption Day 2016



To commemorate the International Anti-Corruption Day 2016, some 450 persons from the public and private sectors, the civil society including the media, the judiciary, opinion leaders among the youth responded to ICAC's invitation for a discussion forum held on Friday 09 December 2016 at the Paul Octave Wiehe Auditorium, Réduit. The event, graced by Her Excellency Mrs A. Gurib-Fakim GCSK, CSK, PhD, DSc, President of the Republic of Mauritius, aimed to give visibility to the collaborative efforts from a cross-sector perspective and to emerge into an agenda-setting platform for strengthening the national fight. "During the recent years, we have witnessed two global trends in regard to the fight against corruption. Firstly, we have seen a series of staggering cases of global corruption being exposed and investigated. And secondly, we have witnessed countries and international organizations reaffirming forcefully their commitment to fight corruption and..."

Page 4

Forthcoming activities in 2017



Fighting corruption through education and prevention remains one of the top priorities of the Independent Commission Against Corruption (ICAC). To this end, a plan of action for 2017 has been worked out to enhance the effectiveness, visibility and impact of our anti-corruption initiatives. The Plan is expected to contribute towards a marked improvement in the way the public perceives the fight against corruption both in Mauritius and abroad. In line with our international and other regional obligations, our strategy for 2017 is geared towards strengthening public and private sector integrity, building capacity for the community to resist, reject and report corruption while reinforcing regional and international cooperation in the global fight against corruption. Thus, a wide range of events have been planned for 2017 namely, the development of a Code of Conduct for members of the National Assembly, a model anti-corruption policy for the private sector, the setting up of 'Comité Anti-Corruption'...

Page 11

Message

from Navin Beekarry, Director General

It is an undeniable fact that, over the years, the ICAC has continuously pursued its mandate to investigate and prosecute corruption and money laundering offences. It has also focused on prevention and education in accordance with the law. However, white-collar crime never sleeps and is dynamic in nature. It often seems to be one step ahead of technological and financial developments, and as legislation gets tougher, criminals find new ways of exploiting loopholes. With the recent alarming levels of technological and financial sophistication, crimes have also evolved. In recent times, new forms of crimes such as cybercrime and other forms of intricate financial fraud, tax evasion, and Ponzi schemes have emerged.

As a result, it is crucial that anti-corruption and anti-money laundering agencies adapt to the criminal evolving environment, so as to be able to keep pace with the challenges of fighting white-collar crime. It is in this context that the ICAC has decided to pursue a strategy based on reinforcing its effectiveness along three main pillars: technological enhancement through a complete computerization of the organization; an internal review of its systems and procedures, and finally, human resource optimization, where the human capital element of the Commission is recognized, given the opportunity to grow and develop its full potential.

These projects are expected to enhance performance which will generate greater efficiency and effectiveness. Of course, these internal improvements will be supported by a number of projects aimed at strengthening the operations of the ICAC. The investigative method, the prosecution capabilities, as well as the preventive and educational strategies will be enhanced all with a view to make the ICAC more effective.

Of course, as the figures show, a lot has been achieved in the past years by the respective managements. However, 2016 was the time to start reviewing what had been done and identify the strengths, weaknesses, opportunities and threats. Most importantly, a roadmap was essential to take the ICAC to the next level to enable it to face emerging challenges in the short and medium terms. The introspective exercise yielded interesting results. However, a diagnostic exercise without an implementation strategy for solutions is bound to fail.

At this point, it is essential to emphasise that ICAC does not operate in a vacuum but always requires the collaboration of stakeholders, public and private. On a domestic level, collaboration with our stakeholders has known a new boost, with several projects crystalizing at the right moment. For example, the ICAC has been working closely with private sector organizations to take anti-corruption initiatives and implement appropriate policies and best practices with a view to promote anti-corruption mindset and actions. In the later stages of 2016, the Mauritius Institute of Directors (MIOD) sought ICAC for the launch of the Audit Committee Forum Position Paper 4 entitled 'Guidelines for the Audit Committee's Assessment and Response to the Risk of Fraud'. Some weeks later, the MIOD in collaboration with the ICAC organized the soft launching of an "Integrity Pledge". Plans of action to reinforce collaboration with other stakeholders, such as the press, trade unions, public sector and others are well underway.

At the international level as well, things are moving fast. The project of setting up a Research Centre in Anti-Corruption Reforms for Small Island Developing States, under the aegis of the United Nations Office on Drugs and Crime, is underway with milestones identified throughout 2017. Furthermore, under the first peer-review exercise for a United Nations Convention, the United Nations Convention Against Corruption (UNCAC) Review saw Mauritius submit its completed Self-Assessment Checklist for the 2nd cycle in October 2016. The ICAC will soon embark on the second cycle (2016-2021), namely Chapters II (Preventive Measures) and V (Asset Recovery).

Thus, if 2016 was a crucial year in identifying the way forward, 2017 will be critical in seeing the implementation of a number of reforms which will pave the way for redefining ICAC in the next decade or so into a more effective and efficient anti-corruption agency in the fight against white-collar crime.

2016: The year in

**as at 31 December, 2016*

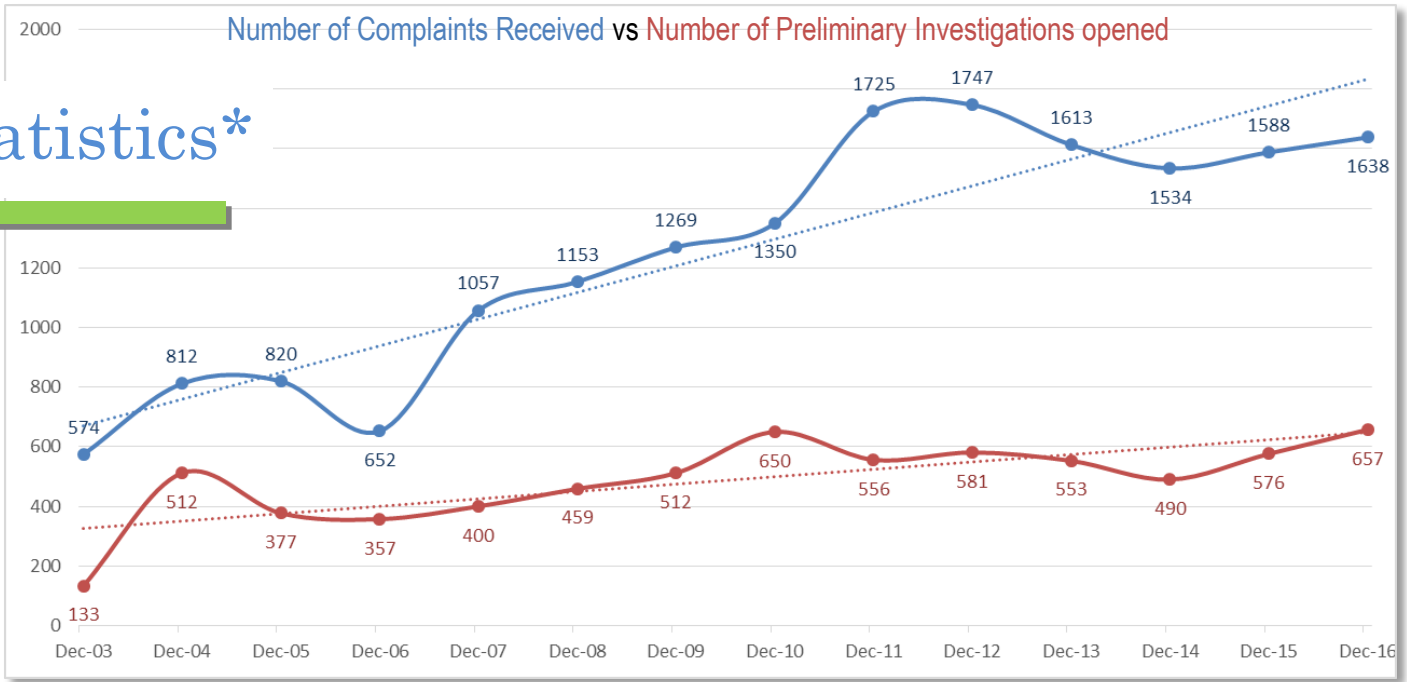
At any point in time, ICAC processes an average of 250 live cases. As at date, 217 persons (involved in 181 cases) have been convicted for corruption and money laundering offences. Trends of ICAC's KPIs-(Key Performance Indicators) show that the Commission is now registering a constant progression in the number of complaints and in the number of investigations of corruption or money laundering offences. The figure of 1638 complaints for 2016 received by the Complaints and Advice Processing Unit (CAPU) in 2016 (*figure 1*) reflects the degree of public confidence in the Commission in honouring its investigative and prosecution mandate. That is an average of 6 complaints per day. Furthermore, the trend of cases lodged and number of convictions (*figure 3*) indicate that the numbers are on the increase. Furthermore, the rate of increase in the number of cases lodged is almost the same as the rate of increase in the number of convictions.

For the year 2016, the Complaints and Advice Processing Unit (CAPU) of the ICAC has dealt with an average of 6 complaints per day. However, the rate of complaints not falling within ICAC's purview remains high at 59.9%. Accordingly, complaints that do not relate to either corruption or money laundering but to grievances or offences falling under the jurisdiction/mandate of other authorities, are redirected to the latter by the CAPU officers.

The number of complaints received in 2016 led to the opening of 657 Preliminary Investigations. However, among those, only 76 progressed to the Further Investigations stage. Several factors may explain this turnover, among which the lack of sufficient evidences to disclose corruption or money laundering offences or frivolous complaints. Investigations led to the arrest of 40 persons in 2016. ICAC also lodged 22 cases in court and 39 convictions were secured.

It is important here to highlight that the last three rows in figure 2 should be read disjunctively of each other. Further Investigations are usually a lengthy process spanning over months and even years, depending on the complexity of the case, the availability of evidence and often on factors that are beyond the ICAC's control. In addition, the time factor for prosecution of cases also depends on the DPP's office and the court process, which can often prove to be lengthy as a result of many factors, at times beyond the control of the DPP's office or the judiciary. Consequently, the 39 persons convicted in 2016 were not involved in the 22 cases lodged, and the latter figure must not be read as resulting from the 76 Further Investigations opened in the same year.

statistics*



▲ Figure 1

	2013	2014	2015	2016
Complaints received	1612	1534	1588	1638
Preliminary Investigations initiated	533	490	576	657
Further Investigations initiated	108	106	97	76
Number of persons arrested*	52	44	54	40*
Cases lodged*	59	23	44	22*
Number of persons convicted*	23	21	24	39*

217

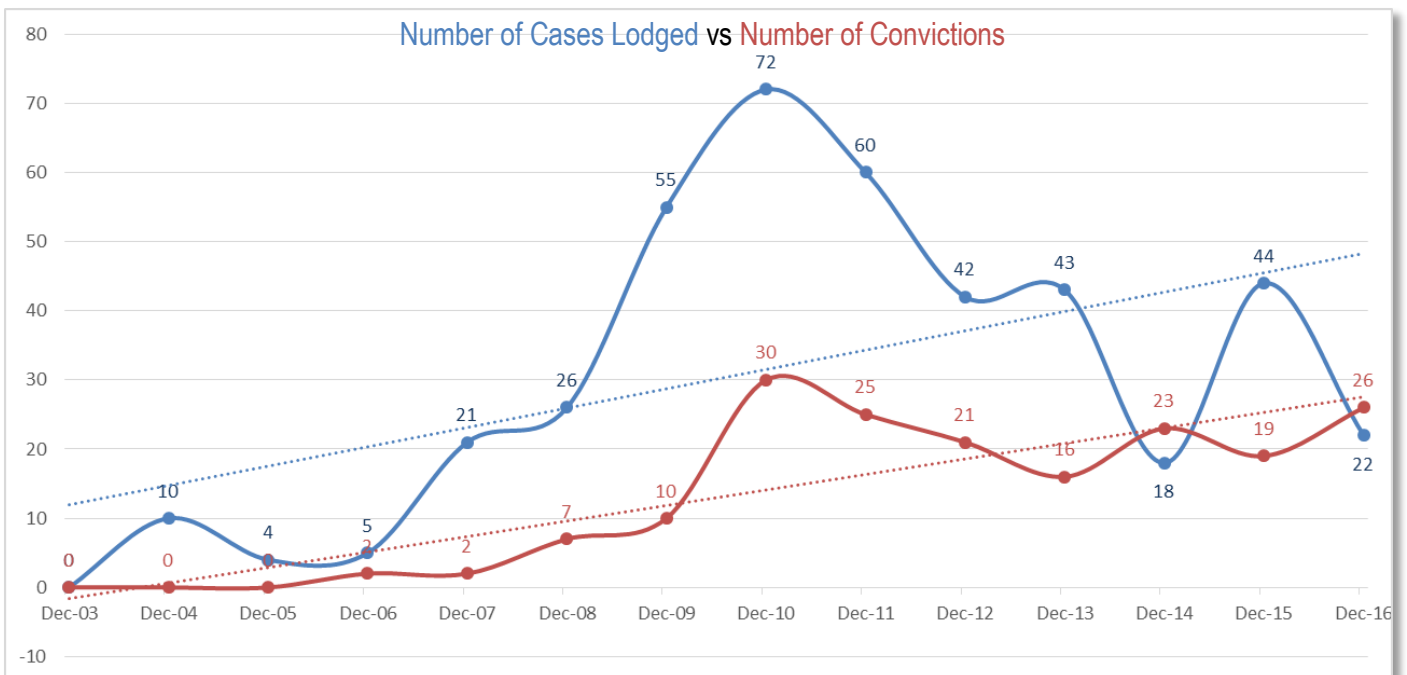
persons convicted since 2002 in

181

cases

▲ Figure 2

*Figures should be read disjunctively of each other (please see text on p. 2)



▲ Figure 3

International Anti-Corruption Day 2016

ICAC reflects on the fight against corruption with stakeholders



To commemorate the International Anti-Corruption Day 2016, some 450 persons from the public and private sectors, the civil society including the media, the judiciary, opinion leaders among the youth responded to ICAC's invitation for a discussion forum held on Friday 09 December 2016 at the Paul Octave Wiehe Auditorium, Réduit. The event, graced by Her Excellency Mrs A. Gurib-Fakim GCSK, CSK, PhD, DSc, President of the Republic of Mauritius, aimed to give visibility to the collaborative efforts from a cross-sector perspective. On that occasion, the Guidelines on Gifts and Gratifications for Public Officials and

four posters developed jointly by the ICAC and the Transparency Mauritius were also launched.

In her speech, Mrs A. Gurib-Fakim GCSK, CSK, PhD, DSc, President of the Republic of Mauritius, emphasised "During the recent years, we have witnessed two global trends in regard to the fight against corruption. Firstly, we have seen a series of staggering cases of global corruption being exposed and investigated. And secondly, we have witnessed countries and international organizations reaffirming forcefully their commitment to fight corruption and making great strides towards investigating, punishing and preventing corruption and corrupt practices. Never before have governments, multinational and international institutions so extensively collaborated in uprooting corruption". She further stated that "there has been an increase in global commitments to do away with the evil of corruption especially in the face of the recent high profile international scams. There is evidence to suggest that where the civil society is working in partnership with government and the private sector, the success rate in terms of control of systemic corruption is higher and the results have been encouraging".

In his intervention, Mr N. Beekarry, Director-General of the ICAC, emphasised on the need to reinforce collaboration as well as effectiveness in the fight against corruption and stressed on how the fight against corruption in Mauritius can be made more impactful and visible. He also highlighted the role and responsibilities of the relevant authorities and citizens in fostering a corrupt-free society, and the optimum use of human and material resources in achieving a cleaner society. Much emphasis was also laid on





the close collaboration between the ICAC and several anti-corruption platforms representative of the society such as the Public Private Platform Against Corruption (PPPAC), Private Sector Anti-Corruption Task force (PACT), Youth Against Corruption (YAC), Trade Union Against Corruption (TAC) and Civil Society Network Against Corruption (CSNAC). 'The opinions and experiences of different segments of the society are indeed essential for a well-informed and dynamic anti-corruption strategy. They are now encouraged to move a step ahead and take ownership of anti-corruption initiatives through concrete actions', he stated.

A panel of resource persons, chaired by Mr J.C. Zara, Chief Executive Officer, Mauritius Institute of Directors, comprised Professor V.P. Torul, Professor of Law, Aberystwyth University (Mauritius Branch Campus), Mr. P. Dinan, Economist and Mr. R. C. Reedha, Chairperson of the CSNAC and Former Officer-in-Charge, Early Childhood Care and Education Authority led the discussions. In his exposé, Professor V.P. Torul emphasized on the adequacy of the present legal framework to fight corruption'. He focused on benefits of the law in a civilised society, elaborated on corruption in the private sector and the protection of informers/ whistle-blowers.

Mr. P. Dinan stressed on 'Reinforcing trust in the fight against corruption'. The issues covered included the existing legal framework and institutions in Mauritius, international conventions and the role of citizens as the supply side of corruption. He also commented on the

From left to right: Ms S. Jhungeer, Board Member of ICAC; Mr N, Peerun, Board Member of ICAC; Ms T. Nyasulu, Regional Coordinator for Southern Africa, Transparency International; Her Excellency, Mrs A. Gurib-Fakim, President of the Republic of Mauritius; Mr N. Beekarry, Director General of ICAC, and Mr S. Springett, United Nations Resident Coordinator for Mauritius.

pre-requisites in the fight against corruption and the development of an Integrity Index for public bodies.

Mr. R. C. Reedha intervened on the role of the civil society in the implementation of the United Nations Convention Against Corruption (UNCAC). He also spoke about citizens' engagement, the importance of partnership building in the fight against corruption as well as the role of the media and parents in promoting an anti-corruption culture.

Some of the pertinent issues raised during the plenary session pertained to, amongst others, the need for more control on private sector corruption, financing of political parties, anonymous complaints, protection of whistleblowers/informers and impact of corruption on the economy, environment and social status of any country. The ICAC has considered relevant suggestions made in its plan of Actions 2017 with a view to step up the fight against corruption.

International Anti-Corruption Day 2016

Activities organised during the IACD

Launching of Code of Conduct for Councillors

In the context of the International Anti-Corruption Day 2016, the Independent Commission Against Corruption (ICAC) in collaboration with the Ministry of Local Government and the Local Authorities launched the revised Code of Conduct for Councillors on 06 December 2016 at the ICAC Headquarters, Moka. Councillors have a number of different functions that impact upon and influence the interest of community members. The purpose of this Code is to guide Councillors by adhering to the key principles and values in the discharge of their day-to-day duties.

This revised edition aims at safeguarding integrity in the dealings of Councillors with their peers, staff of local authorities and members of the public. The Code touches upon core values such as leadership and honesty and legal responsibilities such as 'Declaration of Assets' and 'Conflict of Interests' to promote increased transparency and accountability.

This Code of Conduct is an important tool to guide the conduct of Councillors towards good practices. As provided by the Local Government Act 2011, the Code has been published in the Government Gazette under General Notice No. 1803 & 1804 of 03 December 2016.

During the launching ceremony, the main guest of the event, Mr. Chris Loic Dick, Ag. Lord Mayor, Municipal Council of Port-Louis laid emphasis on the importance of this anti-corruption tool which comes at a critical time where there are high public expectations for more transparency, accountability and integrity to enhance public service delivery.



Director General, Mr. Navin Beekarry, handing a copy of the Code of Conduct for Councillors to acting Lord Mayor, Mr Chris Loic Dick and Mr Dheeraj Gopaul, Chief Executive of Rivère du Rempart District Council.

It is hoped that this Code will assist Councillors in their endeavour to uphold high standards of ethical behaviour in the management of the Council by developing a zero tolerance culture against corruption. In the upcoming days, a series of working sessions will be held in all local authorities with Councillors to ensure effective implementation of the Code. The commitment of Councillors in implementing this Code is central to reinforce standards in local authorities and enhance public service delivery.

Visit of the Director General to Rodrigues

In the context of the commemoration of the International Anti-Corruption Day 2016, a delegation of ICAC Officers led by Mr N. Beekarry, Director-General of ICAC was in Rodrigues from 06 December to 07 December 2016. The main objective of this mission was to secure the effective engagement of the population in the fight against corruption. During the mission, working sessions were held with the Island Chief Executive (ICE), Departmental Heads and the Civil Society Sector. The Director-General also addressed the nation through a radio intervention on the need for collective efforts in fighting corruption.

The ICE extended his full support and collaboration in the fight against corruption. The mission also met the Departmental Heads of the Commissions and discussed ways and means of reinforcing transparency, integrity and accountability in the public sector and the reporting of corruption. Stakeholders in Rodrigues demonstrated a keen interest in the fight against corruption and requested more

interactions with the ICAC to facilitate their engagement in the fight. The next mission is scheduled for early March 2017.



Enlisting the legal profession as a stakeholder



In the context of the International Anti-corruption Day 2016, the Independent Commission Against Corruption (ICAC) organized a conference on the theme *"Managing Corruption Risks: The Crucial Role of the Legal Profession and the Judiciary"* on Thursday 08 December 2016 from 13.30 hours to 16.00 hours at the seat of the Mauritius Bar Association for the legal profession and the Judiciary.

Mr. M. Roopchand, Ag Principal Legal Adviser at the ICAC, in his welcoming remarks emphasised that the International Anti-Corruption Day, which is celebrated across the globe is meant to raise worldwide awareness of corruption and to highlight the role of the United Nations Convention Against Corruption (UNCAC) in combating and preventing it. Mr N. Beekarry, Director-General of the ICAC, etched out the existing legal landscape including international instruments and domestic legislations in foreign jurisdictions such as the United States and the United Kingdom. Mr L. Aujayeb, Assistant Solicitor-General and former Director-General of the ICAC, focused on the evolving role and duties of lawyers, world-wide, in an increasingly regulated environment. He wondered whether the time had come for an anti-corruption strategy to be developed for the legal profession.

The keynote address was delivered by His Lordship, the Honourable M.I.Maghooa, Puisne Judge of the Supreme Court of Mauritius who elaborated on the steps taken at the level of the Judiciary to minimize the risks of corruption. After a break, the conference continued with the intervention of five speakers, namely, (i) Mr R. M. d'Unienville, QC, GOSK, Chairperson of the Mauritius Bar Association who gave an overview of Code of Ethics for Barrister, (ii) Mr R. Bucktowonsing, SA, President of the Mauritius Law Society who outlined the Code of Ethics for Attorney and alluded on the possibility of future collaboration between the ICAC and the Law Society for the issuance of guidelines for law practitioners to tackle corruption and money laundering and, (iii) Mr R. Dassyne, President of the Chambre des Notaires, who elaborated on the Principles of Notarial Deontology.

Ms P. Bissoonauthsing, Ag CLA at the Commission, explained that this initiative was taken at the level of the ICAC in order to provide a platform for the legal profession to engage fully in the fight against corruption and money-laundering. Mr L. Aujayeb, acted as Moderator for this session.

ICAC in Citizen Advice Bureaus around the island



Officers from the Corruption Investigation Division and Corruption Prevention and Education Division were present during normal business hours in 31 out of 35 Citizen Advice Bureaus around the island on the 5th of December 2016. The broad objective was to be closer to the citizens and demystify the act of reporting corruption.

Anti-Corruption initiatives in the Private Sector



From left to right of Mr Anil Gujadhur (Chairperson of the Audit Committee Forum in Mauritius), Mr Navin Beekarry (Director General of the ICAC), Mr Juan Carlos Fernandez Zara (CEO of the Mauritius Institute of Directors) and Mr John Chung (Managing Partner at KPMG Mauritius) - Photo courtesy: KPMG Mauritius

In line with the UNCAC and the United Nations Global Compact, the ICAC has been working closely with private sector organisations to take anti-corruption initiatives, implement appropriate policies and best practices with a view to promote anti-corruption behaviour.

To foster public - private sector partnership in the fight against corruption, a Public Private Platform Against Corruption (PPPAC) was set up in 2013 to enable the public sector and the private sector to work collectively in a strong alliance against corruption. The PPPAC is co-chaired by Business Mauritius and the ICAC. The PPPAC produced a comprehensive report on Procurement and Contract Management in 2015 and a second report on Building and Land Use Permits in 2016 with a number of recommendations to promoting accountability and transparency as well as reinforce service delivery in Local Authorities.

In October 2016, following invitation from the Mauritius Institute of Directors (MiOD) the Director General of the ICAC launched the Audit Committee Forum Position Paper 4 entitled 'Guidelines for the Audit Committee's Assessment and Response to the Risk of Fraud' at Hennessy Park Hotel. On that occasion, Mr N. Beekarry spoke on the issue regarding compliance and governance in relation to the effectiveness of systems. He invited the Audit Committee Forum to ensure the effective implementation of the recommendations contained in the Paper. He added that 'business is now, perhaps more than ever before, confronted with the need to design effective risk fraud management systems'.

The ICAC is also working closely with the Mauritius Institute of Directors (MiOD). On 16 December 2016, the MiOD in collaboration with the ICAC organised the soft launching of

an "Integrity Pledge" for private organisations at Labourdonnais Waterfront Hotel. The Integrity pledge project aims at supporting private sector companies to identify where they stand in terms of processes and procedures that help highlight and prevent risks of corruption in private organisations. Some 10 private organisations will be involved in the first phase of implementation of the integrity pledge. In his address during the launching function, Mr Navin Beekarry, Director-General of ICAC, expressed his appreciation for the work done by private sector organisations, the MiOD and the ICAC. He highlighted the need for the different parties engaged to regularly interact within a common platform to find solutions to problems and fine tune the integrity pledge to make it workable.

Another initiative in the private sector was the organisation of a workshop for the construction industry in November 2016 in collaboration with the Construction Industry Anti-Corruption Committee (CIACC). The CIACC was set up in 2014 under the aegis of the ICAC to work out effective preventive strategies to eliminate corruption and/or the perception thereof in the sector. The topics discussed during the workshop were the legal framework, corruption risks in the construction industry and promotion of collective actions against corruption in the construction industry.

In order to further our commitment to engage the private sector in the fight, numerous anti-corruption projects are planned in the next three months. Special attention will be paid to fighting corruption and promoting integrity in Small and Medium Enterprises (SME's). Another workshop is scheduled with customs brokers, shipping agents and freight and forwarding agents. Besides, empowerment of private sector employees will be an on-going process.

International cooperation through the UNCAC



The 2nd Global Conference on Anti-Corruption Reform in Small Island States, held in August 2016

In 2009 pursuant to article 63 of the Convention, the third Conference of the States Parties (CoSP) to the United Nations Convention Against Corruption (UNCAC) established a review mechanism, the first ever peer-review process for a UN Convention. The review process was established to improve the capacity of and cooperation between States parties in order to achieve the objectives set forth in the Convention and to promote and review its implementation.

The mechanism comprises two cycles of five-years. The first cycle (2010-2015) concerned Chapters III (Criminalisation and Law Enforcement) and IV (International Cooperation) and the second cycle (2016-2021) is concerned with Chapters II (Preventive Measures) and V (Asset Recovery). Mauritius was reviewed in 2013 under Chapters III and IV and was rated as being efficient and effective. Presently, we are being reviewed under Chapters II and V by Panama and Mauritania. Along with Qatar, Mauritius will peer review Mozambique.

The goals of the Mechanism for the second cycle are to:

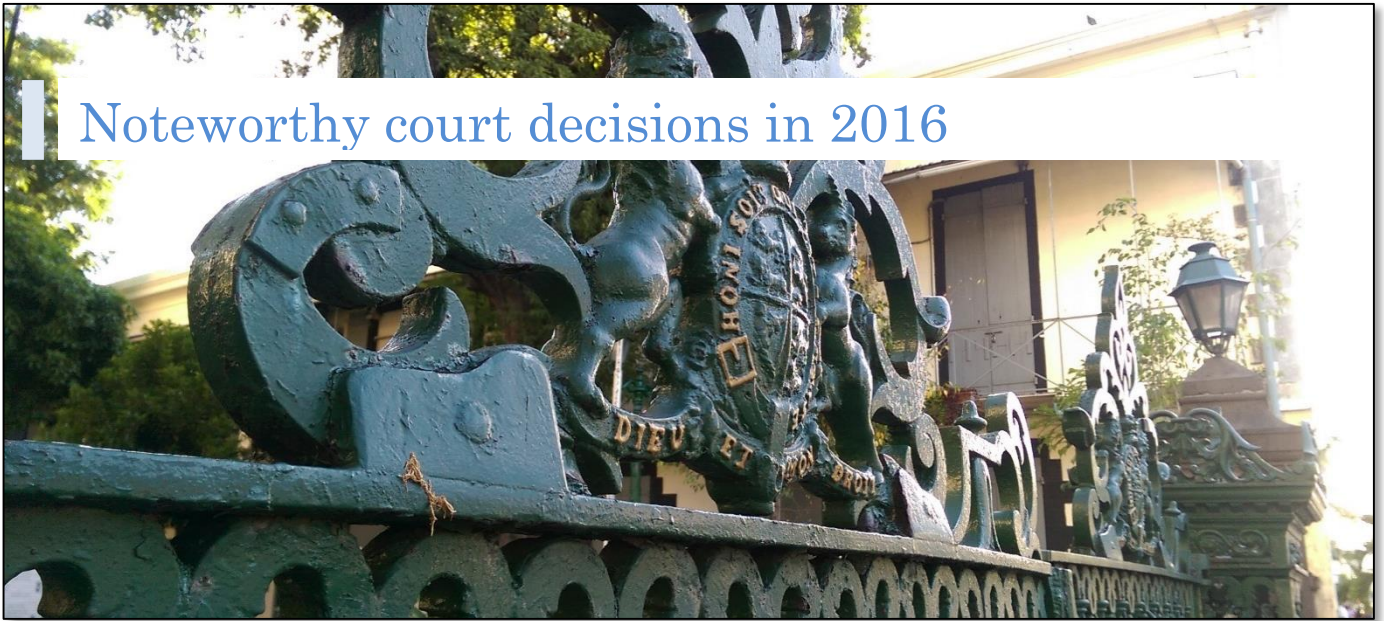
- assist States parties in their implementation of the Convention;
- help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance;
- promote and facilitate international cooperation in the prevention of and the fight against corruption, including in the area of asset recovery; and
- promote and facilitate the exchange of information, practices and experiences gained in the implementation of the Convention.

Mauritius submitted its completed Self-Assessment Checklist (SACL) for the 2nd cycle in October 2016. All stakeholders, including the public sector, private sector, Judiciary, the Financial Intelligence Unit, Financial Services Commission, the Bank of Mauritius, the Mauritius Bankers Association,

amongst others and the civil society participated in the preparation of the Self-Assessment Checklist (SACL) through consultative workshops organised for the purpose. The reviewing experts along with the Officers of the UNODC assigned for the Mauritius review will be conducting a country visit in April 2017 as a further means of direct dialogue.

It is to be noted that Article 13 of the UNCAC promotes the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. The UNCAC and its review mechanism are considered as powerful tools that can help countries to strengthen their efforts to counter corruption. Furthermore, the UNCAC recognises that transparency and public consultation are essential as part of the efforts to counter corruption.

Furthermore, in August 2015, the first Global Conference on Anti-Corruption Reforms in Small Island Developing States (SIDS) was held at Le Meridien, Pointe aux Piments. During that conference, 17 SIDS expressed their concerns and challenges with respect to the implementation of UNCAC. Mauritius subsequently sponsored the Resolution entitled "*Strengthening the implementation of the United Nations Convention Against Corruption in small islands states*" which was voted at the sixth session of the Conference of State Parties to the UNCAC, held in St Petersburg, Russia in November 2015. The resolution, saw the establishment of a SIDS platform for anti-corruption reforms in Mauritius for the purpose of research and sharing of best practices specific to small island development States. The 2nd Global Conference on Anti-Corruption Reform in Small Island States was held in Mauritius in August 2016.



Noteworthy court decisions in 2016

The Supreme Court dismissed the appeal in the case of **S. Gowry vs The ICAC & The State 2016 SCJ 499**. The Appellant, a Police Constable, had been convicted before the Intermediate Court, for an offence in breach of sections 4(1)(b) and (2) of the PoCA for having accepted for himself the sum of Rs.25,000 from detainee Sumbajee to facilitate latter's escape from Sir Seewoosagur Ramgoolam National Hospital. The Supreme Court found that the Learned Magistrate had both (i) properly appreciated the evidence on record, including the testimony in court of witness Sumbhajee and (ii) correctly applied section 4(2) of the PoCA. The Appellant had been sentenced to imprisonment for a period of 6 months which was suspended on condition that the Appellant would perform community service. (Judgment delivered on 5th December 2016)

In the case of **Forget P. A. v The Independent Commission against Corruption & Ors 2016 SCJ 507**, the Court of Civil Appeal addressed the grounds raised in separate appeals lodged by both Plaintiff (Mr Forget) and Defendants (ICAC and Ors) in respect of an interlocutory judgment given by the Supreme Court. The Learned Judge had (i) upheld the plea in Limine raised on behalf of ICAC that Plaintiff had failed to give notice of the action in accordance with section 4 (2) (a) of Public Officer's Protection Act and (ii) had overruled the objections to the effect that the action (a) was a claim for constitutional redress and (b) amendment prayed on the basis of failure to comply with the two years rule under section 4 of POPA should be granted. The appellate court found that the Learned Judge wrongly considered that a corporate body could only be sued in the capacity of "commettant" such that it could resort to any defence available to its proposes. It held that a corporate body could be sued in its personal name and in the present instance since there was no averment to the effect that the ICAC was being sued as "commettant", it was clear that it was being sued in its personal name under article 1382 of Code Civil. The appellate court also found that the Leaned Judge had been right to consider that Plaintiff's action was premised in tort and was not a claim for constitutional redress. It further held that the Learned Judge had been right to consider that the issue of the time-bar of two years laid in Public Officers' Protection Act should be addressed on merits. (Judgment delivered on 8 December 2016)

An information for an offence in breach of section 16 (2) of the POCA was dismissed by the Intermediate Court in the case of **ICAC v S.Hurry CN 289/2013**. The particulars were to the effect that Accused, Director of Socrates School of Health Sciences, Businesses & Technology Ltd, was charged for having offered, on 1st July 2010, as gratification the sum of Rs 200,000/- to an agent, Witness Aukel, who was an employee of BSSR school of Paramedical Studies Ltd (principal). The purpose behind the offer was for Witness Aukel to provide confidential information regarding the management of BSSR School of Paramedical Studies Ltd. The version of the prosecution was that the offer was made over the phone in the course of a 70 seconds long conversation. Witness Auckel stated in court that Accused had offered her a better job as well as the sum of Rs. 200 000 in exchange of the list of students at BSSR School of Paramedical Studies Ltd. The witness explained that she had refused and had changed the conversation. It was not in dispute that Witness Auckle and Accused were on friendly terms and would often chat over the phone. Accused, who deposed under oath, denied having asked such information from the witness the more so as she (Accused) already had the said data base details on her computer. Accused also affirmed that such details had no bearing on the courses at Socrates School of Health Sciences, Businesses & Technology. She confirmed having spoken to Witness Auckle over the phone on the said day but merely to inform latter about the incorporation of Socrates School of Health Sciences, Businesses & Technology Ltd. After having considered several aspects of the case, the Intermediate Court held that the issue to be determined hinged upon the conflicting versions of Witness Auckle and Accused on the 70 seconds long phone conversation. After assessing the evidence on record, the Court found that although both Witness Auckle and Accused were "equally convincing" in their account of events, however Accused did have "marked advantage" in respect of her argument that she already had the contact details on her computer and the fact that two schools did not run same courses. The Court did not believe that Accused had made the said offer of Rs 200,000/- for the said list. As such the Court considered that the prosecution had not proved its case beyond reasonable doubt. (Judgment delivered on 11 November 2016)



Forthcoming activities in 2017

Fighting corruption through education and prevention remains one of the top priorities of ICAC. To that end, a plan of action for 2017 has been worked out to enhance the effectiveness, visibility and impact of our anti-corruption initiatives. This Plan is expected to contribute towards a marked improvement in the way the public perceives the fight against corruption both in Mauritius and abroad.

In line with our international and other regional obligations, our strategy for 2017 will be geared towards strengthening public and private sector integrity, building capacity for the community to resist, reject and report corruption while reinforcing regional and international cooperation in the global fight against corruption.

Thus, a wide range of events have been planned for 2017 namely, the development of a Code of Conduct for members of the National Assembly, a model anti-corruption policy for the private sector, the setting up of 'Comité Anti-Corruption' in the nine districts, the conduct of a mass campaign in secondary schools and the design and integration of anti-corruption modules in the tertiary education curriculum. Thus, all sectors of the Mauritian society will be mobilised and called upon to play their role in the national fight against corruption.

In addition, ICAC will direct its efforts towards the conduct of major national events to boost awareness and enlist participation and engagement of all stakeholders-public sector, private sector, civil society including youth and the media on key issues of national interests. The collaboration of international organisations such as the Commonwealth Secretariat, United Nations Office on Drugs and Crime (UNODC), United Nations Development programme (UNDP) would be sought. The objectives are to ensure effectiveness and greater impact of our anti-corruption initiatives at national, regional and international levels and on Transparency International Corruption Perception Index and other governance indicators.

Some of the national events comprise:

- (i) A conference on whistleblowing to discuss the issue of anonymous complaints and protection of whistleblowers to create confidence in reporting corruption;
- (ii) A national workshop on enhancing effectiveness in the fight against corruption in collaboration with international and local partners such as the academia;

- (iii) A high level workshop and the launching of a Code of Conduct for Members of the National Assembly. The Code is being developed with the support of the Commonwealth Secretariat; and
- (iv) A discussion workshop around amendments to the existing anti-corruption legal framework.

On the other hand, following the resolution taken at the SIDS conference in Mauritius in 2014 and reiterated at the UNCAC States Parties Anti-corruption Conference in St Petersburg, Russia in 2015, it is proposed to set up an Anti-corruption Research Unit at the level of the ICAC. The purpose of the Research Unit is to share research findings with Small Island Developing States as well as inform ICAC's actions and strategies. It would also be called upon to become a reference at the regional level in terms of dissemination of knowledge on key aspects of the fight against corruption.

Furthermore, ICAC intends to reinforce its partnership with key regional and international partners such as the International Anti-corruption Academy, UNDP, the Commonwealth Africa Anti-Corruption Centre and with other anti-corruption agencies, amongst others ICAC Hong Kong, the UK Serious Fraud Office, ICAC New South Wales and CBI India. The main objectives are to facilitate sharing of information and expertise, sustain and reinforce cooperation at the bilateral and multilateral levels, reinforce cooperation and collaboration beyond the African region and SIDS as well as strengthen professional development and capacity of ICAC staff.

A comprehensive anti-corruption programme has also been worked out for Rodrigues. In this context, quarterly missions have been scheduled in Rodrigues targeting, amongst others, the education sector, the public sector, the private sector and the civil society. The 'Integrity Officer' project will also be extended to public bodies in Rodrigues.

In terms of prevention, the Public Sector Anti-corruptions Framework (PSACF) will be integrated in the overall risk management framework of public bodies, 15 Corruption Prevention Reviews in high risk areas will be undertaken, several Best Practice Guides will be developed.

The successful implementation of the Action Plan 2017 is expected to bring about civil society vigilance, stakeholder's engagement in the fight against corruption, increased effectiveness and capacity towards enhanced national integrity.

ICAC Welfare Association: Foyer Mgr Leen project



In December 2016, the executive committee of the ICAC Staff Welfare Association, with the kind authorization of Management, proceeded with the remittance of school items – school bags, copy books, pencils and other materials – to the residents of "Foyer Mgr Leen", situated at Gordon street, Rose-Hill. Staff members responded positively to the request of President of the Welfare Association, Mr Sultan Sohawon.

Mr Navin Beekarry, Director General; Mr Sultan Sohawon, Senior Attorney; and Sister Danielle, from the "Foyer Mgr Leen".



Notice

The **Independent Commission Against Corruption (ICAC)** wishes to inform members of the public that a Sub Office is operational in Port-Louis since the 8th December 2016.

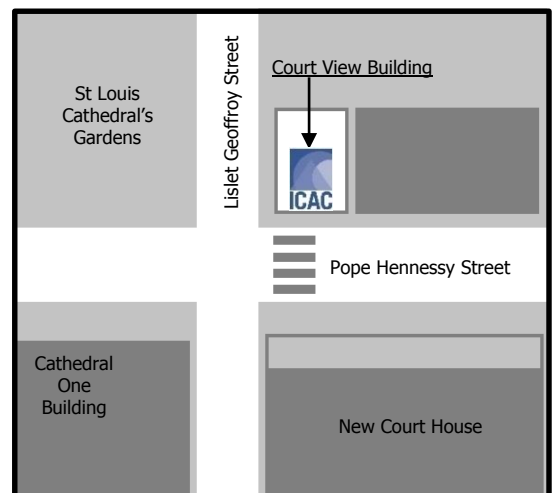
Address: 2nd floor, Court View Building, Pope Hennessy Street, Port Louis

Opening hours: 09 15 to 15 00 (weekdays)

Telephone: 212 6150

Members of the public may report any corruption/money laundering-related complaint at the said sub-office. ICAC officers posted at the sub office will also provide advice on corruption/money laundering-related issues.

For more information, please call on the 212 6150 (Port Louis Sub Office) or 402-6600 (Réduit Office) or visit www.icac.mu.



To view the location on your smartphone, please type the Google Map address below in your browser, or scan the QR code.
<https://goo.gl/maps/Ht5a1gRhmNC2>

