

Press Statement

Progress of the Commission to Investigate Allegations of Bribery and Corruption (CIABOC) 2017-2018

Bribery Commission is presently in an age of transformation. A prominent aspect in this regard is the maintenance of highest professionalism in the fields of investigation and prosecution. Moreover, for the first time in history, processes are underway to recruit specialised investigators and prevention officers to the commission. After the lapse of 25 years, steps have been taken to amend corresponding laws. Formulation of a National Action Plan as well as the strengthening of international relationships are other key achievements of this year. Above all, the commission has consistently maintained its independence and non-partisan persona in delivering its various functions.

The progress achieved in the past year can be summarised as follows.

01. As a result of successful prosecution, convictions have been achieved of 62 trials. In the year 2017, that number was 57. This has to be compared with the statistics of the period between 2005 and 2010. In most instances, the number of convictions ranged from 15 to 20. In light of this, it is submitted that the officers of the bribery commission has conducted prosecutions with an aim to achieve convictions, rather than merely filing cases.

02. A main criticism leveled against the commission is how cases are filed against individuals holding lower positions in the society, while those individuals who hold higher positions, are disregarded. Yet when one looks at the last two years, cases have been filed against the former **Attorney General, former judge of the Court of Appeal, 3 former ministers, chairman to the State Printing corporation, chairman to the Sri Lanka Rupavahini Corporation, Director of Sri Lanka Rupavahini Corporation, Chairman of Laksala, Managing Director of Laksala, Director of Finance of Laksala, Project Manager of Laksala, former District Court Judge, official of the Ceylon Electricity Board, Chairman of Avant Guard, Former Brigadier of the Army, Director of Customs, Superintendent of Customs, former Governor, former member of pradeshiya sabha and other officials holding high ranks. A special case has been filed for two offences of giving and accepting a bribe by a former Brigadier and the Chairman of Avant guard.**

03. Within the span of this year, 48 arrests have been made during raids conducted while bribes were taken. As such, among the arrests made, high ranking officials such as Import and Exports controller, Chairman of the Timber Corporation, Chairman of the Department of Animal Production and Health, Senior Assessor and inspector of police are present.
04. While for the last 5 years investigations were carried out by police officers, the bribery commission has succeeded in getting the approval to recruit 200 specialised investigators. As such state approval has been taken to recruit accountants, auditors, financial analysts, digital investigators, bonds, securities, banking, international conventions, procurement, construction, engineering, management and public administration as special investigators. Applications have already been called. 8000 applications have been received and the Examination Commissioner has already conducted an aptitude test.
05. Whilst the Bribery Commission has only focused on investigations and prosecutions, anti-corruption agencies from around the world have prevention mechanisms in place. Drawing inspiration from them, processes are underway to establish a prevention division in the commission. As such, approval has been taken to recruit 50 such prevention officers and applications have already been called. 5000 applications have been received and interviews are underway for recruitment purposes.
06. Cabinet approval has been taken to amend the 25 year old law pertaining to bribery and corruption. As such, amendments have been made to the Bribery Act, where jurisdiction has been granted to High Courts to hear bribery cases apart from Magistrate Courts. However, amendments have to be done pertaining to other areas as well. As such amendments pertaining to, private sector bribery, sexual bribery, sports bribery, bribery pertaining to foreign diplomats are being carried out by the legal draftsman department.
07. Amendment to the Commission of Inquiry Act has already been placed before the Parliament. Debates with regards to the amendment was taken up by the Parliament, and has been postponed for a future date. This amendment would empower the Bribery Commission to file cases based on the evidence revealed at the Presidential Commissions of Inquiries. As such, the statements made for Presidential Commissions of Inquiries need not be repeated before the Bribery Commission.

08. As a result of various consultations conducted with national and international experts, processes are underway in the legal draftsman department in order to make the necessary amendments to the Declaration of Assets and Liabilities Act. Additionally the necessary amendments to the Bribery Commission Act are already underway by the legal draftsman.

09. The main hurdle in combatting bribery and corruption in the country was the lack of a national policy in this regard. As a member of the United Nations Convention Against Corruption, the Cabinet has entrusted the Bribery Commission with the task of the formulation of a national action plan. Accordingly, 30 consultations were carried out throughout Sri Lanka, out of which, 4 were carried out in the Parliament. As such, various fields such as public representatives have been given the opportunity to express their views in this regard. Views of public servants, professionals, members of the civil societies, artists have been collated to form 04 strategies for the next 05 years. Formulation of this action plan has already been completed and is intended to be launched in the near future. The four strategies are Prevention Mechanisms, Value-Based Education and Community Engagement, Strengthening of CIABOC and Other Law Enforcement Agencies and Law and Policy Reform.

04 additional handbooks that play a key role in combatting bribery and corruption have also been introduced visa-vi the national action plan. They are,

- i. Proposed guidelines on Gift Rules
- ii. Proposed guidelines on Conflict of Interests
- iii. Handbook pertaining to integrity of public officials
- iv. Proposals with regard to asset declaration Law, CIABOC Act, Bribery Act, election campaigns finance Law, Proceeds of crimes Law and whistleblower protection Law.

As such, 5 publications including the national action plan and 4 handbooks will be launched, where all publications will be available in all three languages. This would amount to 15 publications altogether.

10. The past year saw the attention and fellowship of the international community extended to the bribery commission. As such, the bribery commission contributed to the regaining of the GSP+ concession by making successful presentations in the European Union. In order to enhance the specialities of the bribery commission, continuous technical support has been granted by the United Nations. As an appreciation of the bribery commission's progress, the Global Expert Meeting drawing 35 international experts, was held in Colombo, July this year. This endeavour sought to enhance the 2012 Jakarta Declaration

on strengthening the independence of anti-corruption agencies of the world. as a result, the Colombo Commentary would be published in the near future.

11. Training programs have been conducted in countries such as Malaysia, Hong-Kong, Bhutan, Korea, Japan and China, for the benefit of investigators and legal officers of the bribery commission. The Hong-Kong anti corruption agency has already agreed to conduct a more in-depth training session next year. The bribery commission has been able to organise study tours for state officials, with regards to the successful mechanisms employed by other countries in the eradication of bribery and corruption. As such the Attorney General, the Secretary to the President, Secretary to the Ministry of Public Administration, Secretary to the Ministry of Local Government and the Legal Draftsman were given the opportunity to visit Bhutan and Hong Kong to gather experience. Several consultations have been organised with the chairman of the Malaysian institute and senior state officials of Sri Lanka.
12. 54 awareness programs have been conducted among school children, youth and public officials across Sri Lanka. Whilst it was not part of the official duties of the legal officers and investigators of the bribery commission, they have dedicated their time and effort to make these programs a success. Discussions are underway to conduct educational-sector-oriented awareness programs in the next year.
13. As a result of the dangerous situation created by a dilapidated building in the commission premises, the Presidential Secretariate has offered a premises in the Department for Registration of Persons at Keppetipola Road, to relocate the investigations division. The same location is expected to house the prospective prevention officers in the near future. The Cabinet has granted its approval to utilise the space in Keppetipola Road till a new building has been constructed at the bribery commission premises.
14. The main challenge faced by the bribery commission is the lack of adequate space. Presently, the commission had to exert much effort to acquire the approval to construct a building in the nearby plot of land. After the lapse of 1.5 years, the National Housing Development Authority has granted its approval.
15. A proposed framework of prevention for the public sector has already been given approval by the Cabinet. As such, 200 million rupees have been allocated for the next year in this regard. Additionally, Cabinet approval has already been granted for the

allocation of 200 million rupees for the training of lawyers, investigators and prevention officers. A massive plan has been formulated to use electronic and other print media to raise awareness among the public by promoting an ideological change towards bribery and corruption. Requests have already been made to the Ministry of Finance in this regard.

16. A main challenge faced by the bribery commission is the inadequate salary regime which renders the commission unable to attract talented lawyers as legal officers. Most talented lawyers are attracted to the Attorney General's Department due to its recent salary raise. A main drawback in the success of the bribery commission, is the rejection of its request to increase the salaries of its staff.
17. Currently, there are 200 investigators in the bribery commission. There are 29 legal officers. This is a very low number compared to the ratio of the population. As an example, Hong Kong which has a population of 06 Million has 1000 investigation officers. 0.282% has been allocated by the budget to the Hong Kong anti corruption agency. Sri Lanka has only allocated 0.014% off the budget to CIABOC.
18. There are 05 investigation divisions and each division has approximately 20 officers. A single division is entrusted with approximately 700, 800 files. Investigations may be delayed due to the limited number of human resources. The year 2017 received 2768 complaints out of which investigations have been conducted on 1652 occasions. By 2018.11.30, the commission has received 3081 complaints, out of which 1863 has been decided for further investigations.