

Index

- Abacha case
Abacha, Sani (Nigeria head of state 1993–1998) 4, 174, 278–9, 282, 306, 325
‘Abacha criminal organization’ 86–7
family doing ‘deals’ 174–5, 279–81
abuse of public office *see* misuse of public office
accounting *see also* banks and banking
auditing 37, 71–4, 149, 234–6, 240–42, 266
auditor-general 34, 71–3
BAe case 269–70
Bankers Trust v Shapiro applications 327–8
books and records 166, 234–5, 260, 270
business records and the rule against hearsay 168–71
compulsory access to banking and other financial documents 149–51, 184–5
cours des comptes 71–2
criminal offences 88, 166, 260
foreign bank accounts 151
OECD anti-bribery convention *see* separate entry
tax evasion 165–6, 228, 299
Acres International (Lesotho Highlands Water case) 246–7, 251–3, 264
administrative justice, right to 57–8, 60, 116–17, 179, 271, 332, 336
African Charter on Democracy, Elections and Governance 2, 62, 104, 109, 115
African Charter on Human and Peoples’ Rights 21, 109, 122, 129, 149, 203
African Commission on Human and Peoples’ Rights 56, 64, 76, 123, 142
African Development Bank/OECD Initiative to Support Business Integrity and Anti-Bribery Efforts in Africa 239
African Ombudsman Association 115
African Parliamentary Network against Corruption 10, 28, 58, 69, 74
African Platform on Access to Information 143
African Union 2, 10, 12, 15, 344
African Union Advisory Board on Corruption 36, 38, 343–4
African Union Convention on Preventing and Combating Corruption *see also* African Union Advisory Board on Corruption
access to banking, financial and commercial documents 149–50
access to information 76, 143
anti-corruption bodies 177–8, 181, 309
anti-corruption pillars 2, 23
asset and income declaration mechanisms 39, 42
code of conduct for public officials 38
‘corruption’, scope of 14–15
criminal offences 89–90, 130, 161–4, 276, 292
development of 22–3
effects of corruption 10
entry into force 23
fair trial, right to 122, 203–4
follow-up mechanism 23
good governance pillars 2, 6, 21, 23
immunities for public officials 77, 214

- investigation of corruption-related offences 143, 149
- international cooperation 7, 12, 15, 301
- jurisdiction 250, 276
- mutual legal assistance 301, 305, 307, 309, 311–12
- parties to the convention 26
- political party funding 59–60
- private sector, combating corruption in the 236–7, 245
- public officials, training for 52–3, 180, 312
- public service, combating corruption in 35–8
- recovering the proceeds of corruption 190, 317
- special investigative techniques 148–9
- witnesses, protection of 54, 123–4
- whistleblowing 54
- African Union Peer Review Mechanism 21, 344
- African Union/OAU Declaration on the Principles Governing Democratic Elections in Africa 63, 65
- agents, use and abuse of company 14, 19, 238, 246–7, 255, 272, 339
- Alamieyeseigha, Diepreye (Governor of Bayelsa State, Nigeria 1999–2005)
 - case study 300–302, 306
 - delaying tactics 151
 - false declaration of assets, conviction for 44, 228
 - immunity from prosecution 32, 83, 85–6
 - international cooperation, importance of 300–301, 306–7, 325, 328
 - money laundering 43, 300–302, 306
 - pardon 84–5
 - political will 325
 - prosecution of 43, 85–6
 - recovery of looted assets 282, 300, 328
- Algeria 130, 178, 233, 286, 289, 292, 344
- Anglo Leasing case (Kenya)
 - case study 152, 313–14
- First Mercantile Securities Corp 313–15
- Kenya Anti-Corruption Commission, investigations by 313–14
- Kenyan Judges and Magistrates Vetting Board 227, 280
- mutual legal assistance request, challenge to 152, 313–14
- Angola
 - Falcone, Pierre 86
 - Mabey & Johnson Ltd, bribery of public officials by 235, 269, 271
 - president, removal of the 80
 - state of judiciary in 205
- Anti-Bribery and Business Integrity Course of Action for Africa 239, 253
- anti-corruption commissions/bodies *see also* offices of the ombudsman; human rights commissions
 - asset-recovery agency, role of 178, 190
 - Association of Anti-Corruption Agencies in Commonwealth Africa 199
 - AU convention provisions 177–8
 - building blocks 190–99
 - Commonwealth Africa
 - Anti-Corruption Centre 199
 - donors, influence of 176, 179–80, 186, 190, 193, 198, 200
 - East African Association of Anti-Corruption Authorities 199
 - functions 178–88
 - Independent Commission Against Corruption model 178–9
 - independence 178, 191–9
 - Kampala Declaration of East African Association of Anti-Corruption Authorities 199
 - Kenya Anti-Corruption Commission *see* separate entry
 - Kenyan Ethics and Anti-Corruption Commission 176–91
 - legal basis 192–3

- overlapping investigations with state prosecutors 155, 183–90
- Paris Principles 116, 193
- political parties, oversight of 182–3
- private sector 182–3
- prosecution of corruption-related offences 183–90
- public service, enhancing integrity in 181–2
- qualifications for appointment as commissioner 195
- resources 197–9
- security of tenure for commissioners 195–7
- Sierra Leone Anti-Corruption Commission 160, 186
- Stand-alone body, necessity for 178–9
- training responsibilities 53, 180
- transnational cooperation 199–200
- whistleblowers 55
- UNCAC provisions 177–8
- Zambian Anti-Corruption Commission 176–99
- Zimbabwe Anti-Corruption Commission 117, 184, 197, 200
- anti-corruption courts 227–30
- Anton Piller* orders 327
- Aondoakaa, Michael (Minister of Justice and Attorney-General, Nigeria 2007–2010) 31, 281
- Arab Spring 12
- asset and income declaration systems
 - Alamieyeseigha case, false declaration of assets by 44, 228
 - asset declaration agencies 42–3
 - AU convention provisions 39
 - beneficial ownership of companies 41–2, 48, 96–7, 149, 288–90
 - building blocks 40–46
 - Code of Conduct Bureau 42, 178, 181
 - Commonwealth Expert Working Group on Legislative and Related Measures to Combat Corruption 40
 - false declaration of assets and income, offence of 18, 44, 63, 165, 229, 290
 - information, freedom of 43, 45–46, 56, 76, 142–5
 - Kenya Ethics and Anti-Corruption Commission 42
 - Legal Defence and Assistance Project 43, 45, 76
 - parliamentary public accounts committee, overview by 43, 73, 218
 - privacy, right to 45–6
 - UNCAC provisions 39–46
- asset recovery *see* recovering the proceeds of corruption
- Association of Anti-Corruption Agencies in Commonwealth Africa 199
- Attorney-General 111, 117, 158–60
- auditor-general
 - Chiluba case 34, 71–3
 - civil society organizations 75–6, 345
 - constitutional protection and responsibilities 71–5, 331
 - cours des comptes*, compared with 71–2
 - investigative powers 72–3
 - Legal Defence and Assistance Project 43, 45, 76
 - parliament, links with 73–4
 - oversight bodies, links with 75, 117
 - reports to parliament, submission of 73–4
- Australia 88
- Austria 60
- BAe case 20, 261, 269–70, 341
- Bagudu, Abubakar 175
- Balfour Beatty case 261
- Banda, Rupiah (President of Zambia 2008–2011) 81–2, 90, 189–91, 228
- Bangalore Principles of Judicial Conduct 160, 219
- banks and bankers
 - Abacha case 279, 306
 - anti-money laundering obligations 28, 285, 287–90, 298–9

- failure to support good governance 3–4, 11, 19, 33, 233, 293, 298
- Financial Action Task Force
 - requirements 150, 287–90, 315
- offshore financial centres 283, 298–9
- PEPs, links with 280–82, 293, 322
- requirement to produce banking records 138, 149–51, 184–5
- returning proceeds of corruption 325
- secrecy laws 149–50
- Ben Ali, Zine El Abidine (President of Tunisia 1987–2011) 277
- beneficial ownership of companies 41–2, 48, 96–7, 149, 288–90
- Benin 22, 58, 179, 287, 289, 294, 312, 344
- Biya, Paul (President of Cameroon 1982–date) 80–81
- blacklisting *see* debarment
- Bongo, Omar (President of Gabon 1967–2009) 281–2, 323
- Botswana 80, 199–200, 211, 306
- bribery, offence of 162–3, 168–71
- bribery of foreign public officials *see also* debarment; OECD
 - Convention on the Bribery of Foreign Public Officials in International Business Transactions
 - doing ‘deals’ 259–62
 - prosecutions by African states 245–54, 258
 - UNCAC provisions 257–8, 272
- Bribe Payers Index (Transparency International) 11, 233–4, 256–7, 272
- British Overseas Territories 306
- British Virgin Islands 306
- Burden of proof
 - illicit enrichment 130–32
 - misuse of public office 93, 132–4
 - presumption of corruption 130–32, 134–8
 - ‘reversing’ the burden of proof 93, 129–38
- Burkina Faso 22, 178, 263, 286
- Burundi, Special Brigade
 - Anti-Corruption of Burundi 199
- Business Principles for Countering Bribery 237–8
- Cameroon 80–81
- Canada 88–9, 277
- Cape Verde 22, 286
- Cayman Islands 306
- central authorities 53, 307–9, 312
- Chad, state of the judiciary in 205
- charging with corruption-related offences, policy regarding 5–6, 18, 30, 44, 86, 155, 165–6, 174, 228, 311, 319, 337
- Cheney, Dick (Vice-President of the United States of America, 2001–2009) 270
- Chesoni, Zaccheus (Chief Justice of Kenya 1996–99) 209
- Chibanda, Stella (Chiluba case) 34–5, 37
- Chibesakunda, Lombe (Acting Chief Justice of Zambia 2012–2014) 210
- Chief Justice 79, 207, 209–10, 218, 221–4, 228
- Chiluba, Frederick (President of Zambia 1991–2001)
 - Auditor-General, pressure on 35, 71–3
 - civil action in a foreign jurisdiction 100, 228, 321, 325–8, 340
 - doing a ‘deal’ 174
 - enforcement of foreign judgment, difficulties with 189, 328
 - facts 34–7
 - immunity, lifting of 81–2
 - national security excuse 144–5, 279–80
 - prosecution of 188–90, 228, 321, 337
 - public servants, pressure on 35–7, 71–2, 148
 - Task Force on Corruption 188–9
 - ‘you can’t do it alone’ principle 35
 - Zamtrop conspiracy 34–5, 71, 73, 280
- China 11, 234, 257, 272
- Chungu, Xavier (Chiluba case) 34–5

- civil action in a foreign jurisdiction 325–8
- civil remedies
 - against corporations 258
 - breach of trust 94
 - breach of fiduciary duty 94
 - misfeasance in a public office 94–103, 340
 - non-conviction based asset forfeiture 319–22
- civil society organizations
 - anti-corruption agencies, link with 182–3, 194–5
 - assisting victims of corruption 43–4, 113–14, 332–3
 - Centre for Social Accountability 144
 - corporate sector, standard setting in the 237–8
 - education and training programmes 52–3, 70, 75, 161, 180, 239
 - Human Rights Trust of Southern Africa 24
 - Human Rights Watch 48
 - information, freedom of 43, 45–6, 75–6, 142–5
 - involvement in drafting anti-corruption conventions 22, 24
 - law schools, role of 75
 - Legal Defence and Assistance Project 43, 45, 76
 - Legal and Human Rights Centre 19, 64, 113–14
 - monitoring state compliance with anti-corruption conventions 344–5
 - Press and Society Institute 45
 - procurement, oversight of 71, 75, 233–4
 - SHERPA 323
 - Transparency International *see* separate entry
- code of conduct for public officials
 - AU Advisory Board on Corruption, role of 38
 - AU convention provisions 38
 - conflicts of interest 47
 - contents 38–9
 - Council of Europe Model Code of Conduct for Public Officials 38, 50–51
 - Framework for Commonwealth Principles on Promoting Good Governance and Combating Corruption 38, 59
 - International Code of Conduct for Public Officials 25, 39–40, 51–2
 - rationale 37
 - ‘tone from the top’ 37, 237
 - whistleblowing 53–6
 - UNCAC provisions 39
- code of judicial conduct 220–21
- Comoros 285
- Commission for Africa 11, 233, 254, 293, 335
- Commission on Human Rights and Administrative Justice (Ghana) 117, 120, 179
- Commonwealth Africa Anti-Corruption Centre 199
- Commonwealth Expert Working Group on Legislative and Related Measures to Combat Corruption 40
- Commonwealth Expert Working Group on Evidence 171
- Commonwealth Harare Scheme Relating to Mutual Assistance in Criminal Matters within the Commonwealth 281, 307–8
- Commonwealth Legal Education Association ‘model’ course on international cooperation 303
- Commonwealth Principles on Promoting Good Governance and Combating Corruption 13
- Community Development Fund schemes 69–70
- companies and other legal persons *see* public sector
- confidential information, misuse of 53–6, 91, 94, 144–5
- conflicts of interest
 - asset and income declaration systems *see* separate entry

- companies owned by PEPs and/or their families 44, 48, 291–2
- Council of Europe Model Code of Conduct for Public Officials 38, 50–51, 54
- cronyism 47, 163
- facilitation payments 19, 51–2
- Group of States against Corruption (GRECO) 50
- International Code of Conduct for Public Officials 39, 51–5
- meaning of 46–8
- nepotism 47, 69, 71, 163
- Obiang, Teodorin *see* separate entry
- OECD Recommendation of the Council on Guidelines for Managing Conflict of Interest in the Public Service 47
- post-public office employment 49–51
- prevention of 46–51
- UNCAC provisions 46–7, 50
- Congo 204, 323
- Congo, Democratic Republic of 204, 242
- Conseil Supérieur de la Magistrature* 223
- constitutions
 - African constitutional models 105–9
 - anti-corruption agencies 192–3
 - constitution-making 27, 105–9
 - constitutional oversight bodies 62, 75, 115–20, 165
 - criticisms of African constitutions 108–9
 - immunity provisions 78–85, 99
 - independence constitutions 16, 105–6
 - one-party states 105–6
 - pardon, presidential power of 84–5
 - post-1990 African constitutions 107–9
 - role of 104, 331–2
- constitutional rights
 - access to the political system, right to 59–68
 - administrative justice, right to 57–8, 60, 116–17, 179, 271, 332, 336
 - African Charter on Human and Peoples' Rights 21, 109, 122, 129, 149, 203
 - conflicting rights 121–43, 331
 - confrontation, right to 122–3
 - corruption and constitutional rights, making the connection between 109–14, 331
 - criminal forfeiture, constitutional issues regarding 320
 - enforcing rights 111–14, 119–20
 - equality, right to 122
 - fair trial, right to 111–12, 121–38, 140, 146, 150, 171, 188, 203, 318, 320–21, 331
 - information, freedom of 43, 45–6, 56, 75–6, 142–5
 - locus standi* 113–14, 187, 331
 - presumption of innocence 121, 129–38, 165
 - privacy, right to 45–6, 138–45, 331
 - privilege against self-incrimination 121, 130–31, 149, 150
 - property, right to 320–21
 - proportionality test 132–4
 - 'reversing' the burden of proof, constitutionality of 129–38
 - silence, right to 130–32, 149–50
 - special investigative techniques, constitutionality of 138–42, 149
 - standing to bring a constitutional case 111–14
 - victims of corruption, enforcing the rights of 110–14
- Construction Industry Ethics and Compliance Initiative 237
- corruption *see also* corruption-related offences
 - causes of 15–20
 - constitutional rights and 109–14
 - Corruption Perceptions Index 10, 336
 - cronyism 47, 163
 - 'deals' *see* doing deals
 - facilitation payments 19, 51–2
 - gifts 18–19, 51–2
 - grand corruption 10, 17–18, 35, 54, 125, 128, 140, 149, 151, 156, 240, 274, 330

- hospitality 18–19, 69, 82, 131
- impact on African states 10
- kickbacks 14, 162, 274
- meaning and scope 13–15
- money laundering, link with 278
- organized crime, link with 10
- petty corruption 17, 57, 330
- parliamentarians 68–71
- takrifa payments 19, 64–5, 113–14
- victims of corruption, assisting 110–11
- why get involved in corruption? 16–20
- Corruption Perceptions Index (Transparency International) 10, 336
- corruption-related offences
 - abuse of office *see* misuse of public office
 - accounting and bookkeeping offences 88, 165–6, 260
 - AU convention provisions 130, 161–4
 - bribery 162–3, 168–71
 - bribery of foreign public officials *see* separate entry
 - conspiracy to cause misconduct in a public office 91
 - corporate criminal offences 162, 166, 260, 338–9
 - diversion of funds 164
 - electoral corruption offences 65–6, 165
 - embezzlement 18, 164, 183, 229, 324
 - extortion 164
 - false declaration of income and assets 18, 44, 63, 165, 229, 290
 - fraud and false accounting 88, 92, 260
 - holding an unauthorized foreign bank account 165
 - illicit enrichment *see* separate entry
 - misuse of public office 89–94, 152, 313
 - money laundering *see* separate entry
 - need for wide range of offences 5, 94, 161–5, 184, 230, 332
 - sanctions 147, 173–4
 - tax evasion 165–6, 228
 - theft by public servant 189
 - trading in influence 163
- Côte d'Ivoire 33, 242, 289, 292
- Council of Europe 38, 50–51, 163
- cours des comptes* 71–2
- criminal offences *see* corruption-related offences
- criminal restraint orders *see* recovering the proceeds of corruption
- cronyism 47, 163
- Cullinan, Brendan 212–13, 229, 247
- Dariye, Joshua (Governor of Plateau State, Nigeria 1999–2006) 83, 289
- 'deals' with the corporate sector
 - BAe case 269–70
 - Balfour Beatty case 261
 - basic principles 259–62
 - Foreign Corrupt Practices Act *see* separate entry
 - Lahmeyer International case 167–71, 340–41
 - Siemens case 260, 271, 341
 - Serious Fraud Office, role of 261–2, 270
- 'deals' with public officials
 - Abacha family 174–5, 279–81
 - Bagudu, Abubakar 175
 - Chiluba case 174
- debarment
 - Acres International case 253, 264
 - basic principles 262–7
 - blacklisting (South Africa) 263
 - cross-debarment 264, 267
 - effectiveness of 264–6
 - European Union Procurement Directives 262
 - Lahmeyer International case 251–3, 263–4
 - multi-lateral development banks 264
 - Oxford University Press case 263–4, 266
 - Siemens case 238–9, 265, 336
 - World Bank 253, 262–7, 271, 341
- Declaration on Principles of Freedom of Expression in Africa 64, 142

- Defense Industry Initiative on Business Ethics and Conduct 237
 Deputy Chief Justice 210–11, 222
 Director of Public Prosecutions 150, 153–4, 156, 185, 189, 319
 Directorate of Priority Crime Investigation (South Africa) 187
 Directorate of Special Operations (South Africa) 157, 187
 diversion of funds, offence of 164
 Djibouti 199
 East African Association of Anti-Corruption Authorities 199
 Eastern and Southern African Anti-Money Laundering Group (ESAAMLG)
 Asset Recovery Inter-Agency Network for East Africa (ARIN-EA) 199
 FATF, link with 282, 284–5
 membership of 285
 mutual evaluation process 291, 293
 PEPs, and 289
 Economic Community of West African States Protocol on the Fight against Corruption 22
 Economic and Financial Crimes Commission (Nigeria)
 Alamieyeseigha case *see* separate entry
 cooperation with Metropolitan Police 85, 300
 Halliburton Co case 270
 Nigerian Extractive Industry Transparency Initiative, link with 241
 political will 29–30
 Ribadu, Nuhu (Chairman of the EFCC 2003–2007) 31, 83, 191
 education and training on good governance 39, 43, 52–3, 70, 75, 161, 181, 199–200, 222, 229, 312, 343
 Egmont Group of Financial Intelligence Units 291–2, 315–16
 Egypt
 2011 uprising 27, 107
 constitutional developments 27, 74, 107
 Egyptian Junior Business Association 239
 freezing of suspected illegally acquired assets by former leaders 277
 independence of the judiciary 211, 215
 membership of MENAFATF 286
 Egyptian Junior Business Association (UN Global Compact) 239
 Ekurhuleni Declaration on Fighting Corruption 28
 elections
 African Charter on Democracy, Elections and Governance 62
 electoral commissions 62–3, 66, 183
 electoral petitions 65–8
 Independent Electoral and Boundaries Commission (Kenya) 62
 Kenyan presidential election (2013) 66–7
 OAU/AU Declaration on the Principles Governing Democratic Elections in Africa 65
 Post-election violence in Kenya 65
 Truth and Reconciliation Commission of Kenya 65–6
 vote rigging 65
 equality and access to the political system, right to 59–68
 Equatorial Guinea 9, 11, 30, 32, 48–9, 82, 107, 243, 293, 322–3
 Ethiopia 178, 199, 285, 292, 295, 305, 344
 expression, freedom of 56, 64, 142–3, 145
 Extractive Industries Transparency Initiative (EITI) 239–43, 336
 adversarial system 167
 anonymity of witnesses 56, 123–4, 126–9, 332
 asset and income declarations 43

- AU convention provisions 54, 122, 123–4, 143
- burden of proof 93, 129–38, 165
- business records and the rule against hearsay 168–71
- Commonwealth Expert Working Group on Evidence 171–3
- compulsory access to documents and witnesses 149–50
- confrontation, right to 122–3
- deals, evidence obtained from 270–71
- difficulties of proving bribery 148
- entrapment 140–42
- evidence located abroad 150–51
- evidence *see also* mutual legal assistance
- fair trial, right to 121–38, 320–21, 331
- ‘golden triangle’ 331–2
- hearsay, rule against 125–7, 168–71
- interception of communications, admissibility of 139–40
- Lesotho Highlands Water case 167–71
- legal professional privilege 149
- modernizing the rules 171–3, 332
- nolle prosequi* 111, 158
- obtaining evidence from abroad 303–14
- power to compel disclosure of information 149–50
- pre-trial disclosure of information 124–5
- presumption of innocence 121, 129–38, 165
- privilege against self-incrimination 121, 130–31, 149–50
- proof and truth 167
- reversing the burden of proof in corruption-related cases 129–38
- silence, right to 130–32, 149–50
- sole or decisive rule 125–9
- special investigative techniques 138–42, 148–9
- surveillance evidence, admissibility of 139–40
- standard of proof 66–8, 98–9, 112, 131, 319–20, 329, 339
- undercover operations 140–42
- video evidence, admissibility of 167, 172–3
- whistleblowing 53–6, 123
- witnesses located abroad 151
- witnesses, safeguards for 125–9
- facilitation payments 19, 51–2
- fair trial, right to 111–12, 121–38, 140, 146, 150, 171, 188, 203, 318, 320–21, 331
- Falcone, Pierre 86
- false declaration of income and assets, offence of 18, 44, 63, 165, 229, 290
- Financial Action Task Force (FATF)
 - banks, obligations placed upon 150, 287–90, 315
 - countermeasures, power to call for 284–5, 342
 - disclosure of information 150
 - FATF-style African regional bodies, link with 284–7
 - FATF Recommendations (2012) 3, 33, 150, 284–5, 287–90, 293–98, 310, 315–17, 342
 - Ghana case study 295–6
 - high-risk and non-cooperative countries 284, 294–7
 - International Co-operation Review Group 284, 294–6, 298
 - membership 283–4
 - mutual evaluation exercises 150, 284–5, 293–7
 - Nigeria case study 296–7
 - role of 283–5
- financial intelligence units 290–92, 295–6, 315–16
- First Mercantile Securities Corp *see* Anglo Leasing case
- forceful persuasion *see* persuasion
- Foreign Corrupt Practices Act (USA)
 - Department of Justice 234, 260–61, 322
 - doing ‘deals’ 259–61, 270,

- facilitation payments 19, 51–2
- jurisdiction 260
- Securities and Exchange Commission 260
- Siemens case 260–71, 341
- forfeiture of the proceeds of corruption
 - see* recovering proceeds of corruption
- France
 - confiscation of Obiang assets 11–12
 - constitutional model for Francophone African states 107
 - investigation into allegations of corruption by African heads of government 32, 323
 - SHERPA 323
- Framework for Commonwealth Principles on Promoting Good Governance and Combating Corruption 13, 38, 59
- freezing orders 190, 277, 300, 304, 312
- Gabon 178, 242, 281–2, 292–3, 344
- Gaddafi, Moammar (leader of Libya 1969–2011) 277
- Gambia, The 22, 79, 178, 205, 286
- gentle persuasion *see* persuasion
- Ghana
 - Commission on Human Rights and Administrative Justice 117, 120, 179
 - FATF mutual evaluation process 295–6
 - FATF International Co-operation Review Group 284, 294–6
 - Financial Intelligence Centre 296
 - Judicial Complaints Office 221–2
 - Mabey & Johnson Ltd, bribery of public officials by 235, 269, 271
 - ‘name and shame’ exercise by FATF, impact of 295
- gifts 18–19, 51–2
- Global Corruption Barometer 59
- Goldenberg case (Kenya) 55 227, 282
- good governance *see also* review mechanisms
 - active political will 28–9, 253
 - African Charter on Democracy, Elections and Governance 2, 62, 104, 109, 115
 - African Union Peer Review Mechanism 21, 344
 - anti-corruption commissions, role of 180–82
 - art of persuasion 3, 7, 330–45
 - AU convention provisions 2, 21, 23, 36–7, 52–3
 - Commonwealth Principles on Promoting Good Governance and Combating Corruption 13
 - education 39, 43, 52–3, 70, 75, 161, 181, 199–200, 222, 229, 312, 343
 - Financial Action Task Force 3, 33
 - Framework for Commonwealth Principles on Promoting Good Governance and Combating Corruption 13, 38, 59
 - constitutional provisions 104–9
 - equality and access to the political system, right to 59–68
 - Financial Action Task Force 3, 150
 - good governance laws 27, 333
 - good governance training programmes 52–3, 180–81
 - Harare Commonwealth Declaration 22
 - human rights commissions, role of 116–17
 - Ibrahim Index of African Governance 336
 - national initiatives 20–21
 - office of the ombudsman
 - meaning of 20–22
 - role of 75, 115–20
 - pardons, presidential 84–5
 - pillars 2, 23
 - transnational dimension 3, 25
 - United Nations Convention against Transnational Organized Crime 25
- grand corruption *see* corruption
- grease payments *see* facilitation payments
- Guinea 22, 178, 286, 289, 291–2

- Guinea-Bissau 286, 312
- Halliburton Co case 270
- 'Hawks' 187
- heads of state *see* presidents
- hospitality 18–19, 69, 82, 131
- human rights *see* constitutional rights
- human rights commissions 117–20
- Ibori, James (Governor of Delta State 1999–2007)
- corruption, allegations of
 - involvement in 83
 - money laundering conviction 293, 297–8
 - protection from prosecution of 31, 83, 281
 - recovering the proceeds of corruption 318
 - 'transnational' political will 297–8, 338
- Igbinedion, Lucky (Governor of Edo State, Nigeria 1999–2007) 173
- illicit enrichment, offence of
- advantages over bribery offence 18, 165
 - AU convention provisions 130
 - burden of proof 130–31, 165
 - constitutional issues 130, 164
 - presumption of innocence 134–8
 - prosecution of PEPs 18
 - scope 130–32
- immunity *see also* politically exposed persons
- Alamieyeseigha case 32, 83, 85–6
 - AU convention provisions 77
 - Banda, Rupiah (President of Zambia 2008–2011) 81–2, 90, 189–91, 228
 - Biya, Paul (President of Cameroon 1982–date) 80–81
 - Chiluba case 81
 - constitutional provisions 78–85
 - diplomatic 85
 - Falcone, Pierre 86
 - former heads of state, position of 81–2
 - heads of state 78–82
 - international governmental
 - organizations, officials of 86
 - judges 83–4, 213–14
 - Nigerian state governors 32, 83, 85–6
 - Obiang, Teodorin *see* separate entry
 - pardons, presidential 84–5
 - parliamentary privilege 83, 87–9
 - presidential immunity 78–82
 - public officials 82–7
 - removal of presidential immunity,
 - procedure for 79
 - vice-president 82–3
 - UNCAC provisions 77
- information, freedom of 43, 45–6, 75–6, 142–5
- Inspector General of Government (Uganda) 40, 118, 150, 179, 185
- Inter-Governmental Action Group Against Money Laundering in West Africa (GIABA)
- International Business Attitudes to Corruption survey 244
- International Code of Conduct for Public Officials 25, 39–40, 51–2
- International cooperation *see also* mutual legal assistance
- Alamieyeseigha case *see* separate entry
 - anti-corruption agencies, between 199–200
 - AU convention provisions 7, 12, 15, 301
 - Egmont Group, role of 290–92
 - financial intelligence units 290–92, 315–16
 - importance of 301–2
 - International Criminal Police Organization (Interpol) 37, 302–3
 - mutual assistance 302–3
 - sharing information and asset and income declarations 46
 - training 53, 312
 - witnesses located abroad 151
- International Criminal Police Organization (Interpol) 37, 302–3

- investigating and prosecuting
 - corruption-related offences *see*
 - also* international cooperation;
 - mutual legal assistance;
 - prosecutors
- ad hoc specialist teams 188–9
- anti-corruption commissions,
 - overlapping investigations with 155, 183–90
- asset and income declarations 46
- Attorney-General 111, 117, 158–60
- bank accounts, obtaining details of 149–50
- beneficial ownership of companies, identifying 149–51
- bribery of foreign public officials, prosecution policy concerning 255
- challenges 17, 148,
- compulsory questioning power 149–50
- delaying tactics 151
- Directorate of Priority Crime Investigation (South Africa) 187
- Directorate of Special Operations (South Africa) 157, 187
- discretion to prosecute 156–60
- financial intelligence units 290–92, 315–16
- ‘Hawks’ 187
- Interpol 37, 302–3
- nolle prosequi* 111, 158
- obtaining access to documents and witnesses 149–50
- pardons, presidential 84–5
- political will 152
- power to compel disclosure of information 149–50
- privilege against self-incrimination 121, 130–31, 149–50
- ‘Scorpions’ 157, 187–8
- ‘seizing the moment’ 4, 31, 151, 228, 334–5
- selecting the appropriate charge 165–6, 228
- Shaik, Shabir, prosecution of 156–7
- silence, right to 130–32, 149–50
- special investigative techniques 138–42, 148–9
- transnational investigations *see*
 - mutual legal assistance
 - witnesses located abroad 151
- Task Force on Corruption (Zambia) 155, 188–90, 198
- UNCAC provisions 156
- Jonathan, Goodluck (President of Nigeria 2010–date) 31, 84
- judicial review 154
- judicial service commissions *see*
 - judiciary
- judiciary
 - accountability 218–27
 - acting judges, independence of 210, 212–13
 - administrative autonomy 215–18
 - Angola, state of judiciary in 205
 - anti-corruption courts 227–30
 - appointment process 206–13
 - Bangalore Principles of Judicial Conduct 160, 219
 - Chad, UN report on 204
 - Chief Justice 79, 207, 209–10, 218, 221–4, 228
 - codes of conduct/ethics 220–21
 - Congo, state of judiciary in 204
 - Congo, Democratic Republic of, state of judiciary in 204
 - Conseil Supérieur de la Magistrature* 222
 - contract judges 211–13
 - corruption 110–11
 - court staff 214
 - Deputy Chief Justice 210–11, 222
 - disciplinary proceedings 221–2
 - expatriate judges 111
 - financial autonomy 215–18
 - Gambia, The, state of judiciary in 205
 - immunity 83–4, 213–14
 - independence 203–18
 - institutional autonomy 206–14
 - judicial functions 129, 206
 - judicial ombudsman 222–4

- judicial service commissions 155, 194, 205, 207–8, 210, 217, 221–4
- Kenyan Judges and Magistrates Vetting Board 152, 219–20, 224–7, 280, 282, 314–15
- Khadis' courts 214
- magistrates 214
- Malawi, controversy over judicial salaries in 217–18
- Ngulube, Matthew (Chief Justice of Zambia 1999–2002) 111, 218–19, 326
- removal proceedings 221–7
- UN Basic Principles on the Independence of the Judiciary 206, 216
- UNCAC provisions 203, 216 jurisdiction 248–50
- Kampala Declaration of East African Association of Anti-Corruption Authorities 199
- Kellogg Brown & Root LLC case 270
- Kenya
 - Anglo Leasing case 152, 313–14
 - Chesoni, Zaccheus (Chief Justice of Kenya, 1996–99) 209
 - Community Development Fund scheme 69–70
 - fair administrative action, right to 57–8
 - First Mercantile Securities Corporation 313–15
 - Goldenberg case 55, 227, 282
 - Independent Electoral and Boundaries Commission 62
 - Judicial Service Commission 194, 210
 - Kenya Anti-Corruption Commission *see* separate entry
 - Kenya Ethics and Anti-Corruption Commission 42, 176–91
 - Kenya Law Reports 226
 - Kenyan Constitutional Review Commission 218
 - Kenyan Judges and Magistrates Vetting Board *see* separate entry
 - Kibaki, Mwai (President of Kenya 2002–2013) 313
 - Law Society of Kenya 209, 226 misuse of public office, offence of 90
 - Moi, Daniel Arap (President of Kenya 1978–2002) 71, 313
 - Khadis' courts 214
 - presidential election (2013) 67
 - removal of judges *see* Kenyan Judges and Magistrates Vetting Board
 - 'special' magistrates 230
 - Truth and Reconciliation Commission of Kenya 65–6
 - Kenya Anti-Corruption Commission abolition of 176, 191–2, 194
 - Anglo Leasing case 152, 313–14
 - mutual legal assistance request to Switzerland 313–14
 - Kenya Ethics and Anti-Corruption Commission 42, 176–91
 - Kenyan Judges and Magistrates Vetting Board 152, 219–20, 224–7, 280, 282, 314–15
 - kickbacks 14, 162, 274
 - Lahmeyer International (Lesotho Highlands Water case) 167–71, 251–3, 263–4, 267, 271, 340–41
 - Latimer House Guidelines on Parliamentary Supremacy and Judicial Independence 207, 215
 - law reform in African states
 - asset recovery 332–3
 - debarment legislation 271–2
 - good governance laws 333
 - law of evidence 150, 332
 - hearsay rule 171–2
 - mutual legal assistance 310, 313–14
 - special investigative techniques 149
 - Legal Defence and Assistance Project (Nigeria) 43, 45, 76
 - legislatures, *see* Parliaments
 - Lesotho 29, 169–70, 253 *see also* Lesotho Highlands Water case

- Lesotho Highlands Water project case
see also Acres International;
 Lahmeyer International; Sole,
 Masupha
 background 245–7
 bribery of foreign public officials 32
 bribery, proving 168–71
 debarment proceedings 263–4, 271
 hearsay rule 167–71
 judge, appointment of expatriate
 212–13, 229, 247
 prosecution of foreign corporations 8,
 245–54, 340–41
 prosecution of public officials 29,
 167–71, 246–7
 prosecutor, appointment of expatriate
 188
 libel laws 75
 Liberian Extractive Industries
 Transparency Initiative (LEITI)
 241–2
 Libya 277
 lobbyists 49–50
- Mabey and Johnson case 235, 269, 271
 Madagascar 235, 242, 269, 271
 Malawi
 appointment of judges 207, 209–10,
 214
 good governance and Principles of
 National Policy 21, 133
 judicial salaries, controversy over
 216–18
 judicial service commission 210, 223
 Malawi Human Rights Commission
 119, 196
 Malawi Law Society 217–18
 misuse of public office, offence of 89,
 93, 132–4
 party political funding 61
 public accounts committee 218
 reverse burden of proof,
 constitutionality of 132–4
 Mali 342
 Mangue, Teodoro Nguema Obiang (son
 of the President of Equatorial
 Guinea) *see* Obiang
- Mauritania 286
 Mauritius 292
 Mbasogo, Teodoro Obiang (President of
 Equatorial Guinea 1979–date) 323
 media *see also* civil society
 organizations
 African Platform on Access to
 Information 143
 AU convention provisions 143
 Declaration on Principles of Freedom
 of Expression in Africa 64,
 142–3
 information, freedom of 43, 56,
 142–5
 libel laws 75
médiateur (de la République) 115
 Meer, Care & Desai (Chiluba case) 34,
 340
 Michael Jackson memorabilia 11, 32,
 332
 Middle East and North Africa Financial
 Action Task Force (MENAFATF)
 4, 278, 282–3, 286–7
 misuse of public office 89–94, 152, 313
see also misfeasance in a public
 office, politically
 exposed persons
 misfeasance in a public office, tort of
 96–103
 Mochebelele Reatile (Lesotho
 Highlands Water project case)
 168–71
 Molapo, Letafuoa (Lesotho Highlands
 Water project case) 168–71
 money laundering *see also* banks and
 bankers; Financial Action Task
 Force; financial intelligence units
 AU convention provisions 276
 basic principles 275–8
 compulsory disclosure of financial
 information 149–50
 corruption and 274–5, 278–9
 definition 275–6
 designated non-financial businesses
 and professions (DNFBPs)
 287–90, 293, 315

- Eastern and Southern Africa Anti Money Laundering Group 3, 282–3, 285–6
- Inter-governmental Action Group against Money Laundering in West Africa 283–4, 286, 291, 296, 305
- Middle East and North Africa Financial Action Task Force (MENAFATF) 4, 278, 282–3, 286–7
- PEPs and the Seven Fundamental Controls over Money Laundering 279–82
- secrecy jurisdictions 4, 276, 298–9, 307–8, 316–17, 335
- moral persuasion *see* persuasion
- Morocco 286, 292
- Mozambique 24, 58, 105, 178, 235, 269, 271, 285, 344
- Mubarak, Hosni (President of Egypt 1981–2011) 4, 164, 277
- mutual assistance 302–3
- mutual legal assistance (MLA) *see also* international cooperation
- African states, challenges for 309–13
- Alamieyeseigha case *see* separate entry
- Anglo Leasing case *see* separate entry
- AU convention provisions 309, 311–12
- central authorities, role of 53, 307–9, 312
- Commonwealth Harare Scheme Relating to Mutual Assistance in Criminal Matters within the Commonwealth 305
- general principles 307–9
- legal basis for the request 304–6
- practical challenges for African states 309–14
- recovering the proceeds of corruption through 300–301
- SADC Protocol on Mutual Legal Assistance in Criminal Matters 305
- UNCAC provisions 304
- video evidence, admissibility of 172–3
- Mwanawasa, Levy (President of Zambia 2002–2008) 81, 174, 188–9
- Namibia
- anti-corruption agency 179
- corporate criminal liability 137–8
- judicial service commission 155, 207
- misuse of public office, offence of 90
- office of the ombudsman 117, 179
- nepotism 47, 69, 71, 163
- N'guesso, Denis Sassou (President of Congo 1979–1992, 1997–date) 323
- Ngulube, Matthew (Chief Justice of Zambia 1999–2002) 111, 218–19, 326
- Niger 22, 286
- Nigeria
- Abacha, Sani (Nigeria head of state 1993–1998) 4, 174, 278–9, 282, 306, 325
- Abacha family, proceedings in Switzerland against 86–7, 174–5
- Alamieyeseigha, Diepreye (Governor of Bayelsa State, Nigeria 1999–2005) *see* separate entry
- Aondoakaa, Michael (Minister of Justice and Attorney-General, Nigeria 2007–2010) 31, 281
- Code of Conduct Tribunal 42
- Council of State 84
- Dariye, Joshua (Governor of Plateau State, Nigeria 1999–2006) 83, 289
- Economic and Financial Crimes Commission 31, 83, 85, 191, 241, 270, 300
- doing 'deals' 174–5
- Financial Action Task Force name and shame exercise case study 296–7
- FATF International Co-operation Review Group 296
- Halliburton case 270

- Ibori, James (Governor of Delta State 1999–2007) *see* separate entry
- Igbinedion, Lucky (Governor of Edo State, Nigeria 1999–2007) 173
- information, freedom of 43, 76
- Jonathan, Goodluck (President of Nigeria 2010–date) 31, 84
- Legal Defence and Assistance Project 43, 45, 76
- Nigerian Economic Summit Group 239
- Nigerian Extractive Industry Transparency Initiative (NEITI) 240–41
- Obasanjo, Olusegun (President of Nigeria 1999–2007) 31, 174, 191
- recovering the proceeds of corruption 174–5
- Ribadu, Nuhu (Chairman of the EFCC 2003–2007) 31, 83, 191
- ‘shifting’ political will 31, 151, 189, 191, 281
- state governors, immunity from prosecution for 83
- Switzerland 86–7, 174–5
- Umaru Yar’Adua (President of Nigeria 2007–2010) 31, 191
- ‘no political will’ state 31–2, 49, 297, 313, 322, 334, 338
- non-governmental organizations *see* civil society organizations
- OAU/AU Declaration on the Principles Governing Democratic Elections in Africa 65
- Obasanjo, Olusegun (President of Nigeria 1999–2007) 31, 174, 191
- Obiang, Teodoro (son of the President of Equatorial Guinea)
- African Nations cup, and 9–10
- conflict of interests 48–9
- immunity from prosecution 11, 32, 82
- Michael Jackson memorabilia, and 11, 32, 322
- recovery of proceeds of crime from 11–12, 322–3
- OECD (Organization for Economic Cooperation and Development)
- Convention on the Bribery of Foreign Public Officials in International Business Transactions 32, 53, 254–7, 272, 341–2
- OECD Good Practice Guidance on Internal Controls, Ethics and Compliance 255
- OECD Guidelines for Multinational Enterprises 237
- OECD Recommendation of the Council on Guidelines for Managing Conflict of Interest in the Public Service 47
- OECD Recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions 255
- OECD Recommendation on Tax Measures for Further Combating Bribery of Foreign Public Officials in International Business Transactions 255
- off-shore companies 41, 43–4, 298, 300, 302, 335, 340
- ombudsman, offices of
- administrative justice, right to 57–8, 60, 116–17, 179, 271, 332, 336
- African Ombudsman Association 115
- combating corruption 117–18
- functions 115–16
- human rights commissions, compared with 116
- independence of 115–16
- investigative powers 116
- judicial ombudsman 222–4
- maladministration 75, 115–16
- médiateur (de la République)* 115
- Namibia 117, 179
- procurement of government contracts 71, 75
- remedial powers 119–20
- Rwanda 42, 179
- whistleblowers 55

- one white crystal covered 'Bad Tour' glove 11, 32, 322
- Organization for African Unity/AU
Declaration on the Principles Governing Democratic Elections in Africa 65
- Oxford University Press case
debarment proceedings 263–4, 266
negotiated settlement with Serious Fraud Office 261–2, 270
payment of compensation to African states 260
- pantouflage* 49–51
- pardons, presidential 84–5
- Paris Principles 116, 193
- Parliament *see also* parliamentarians
African Parliamentary Network
against Corruption 10, 28, 58, 69, 74
anti-corruption commissioners, role in appointment of 193–4
auditor-general, link with 73–4
Legal Defence and Assistance Project 43, 45
lobbyists 49–50
parliamentary privilege, scope of 87–9
presidential removal, procedure for 79–80
procurement 73–7
prosecutors, oversight of
appointment of 153
Public Accounts Committee 43, 73, 218
scrutiny of reports from
Auditor-General 73–4
votes of no confidence 79
- parliamentarians
Auditor-General reports 73–4
committee system 74
Community Development Fund schemes 69–70
constituents, dealing with pressure from 68–71
criminal conduct within parliament 87–8
defrauding parliament, offence of 88
family, dealing with pressure from 68–71
financial assistance for 68–70
local development schemes 69–70
nepotism 47, 69, 71, 163
parliamentary privilege, scope of 87–8
personal information, disclosure of 143–5
procurement, oversight of 73–4
privacy, right to 45–6, 144–5
'resource distribution' function 68–71
'Travelgate' affair (South Africa) 88, 144
- PEPs *see* politically exposed persons
- persuasion
art of persuasion 3, 7, 330–45
forceful persuasion 6, 119, 147, 182, 236, 245–59, 337, 339
gentle persuasion 6, 182, 236–45, 336–7, 339
moral persuasion 335–6
persuasive accountability 342–5
persuasive threats 6, 236, 259–68, 295, 298, 340–41
persuasive threats *see* persuasion
petty corruption 17, 57, 330
political party funding
African Charter on Democracy, Elections and Governance 62
anti-corruption agencies 183
AU convention provisions 59–60
equality and access to the political system, right to 59–68
general principles 59–64
Global Corruption Barometer 59
Kenya Independent Electoral and Boundaries Commission 62
OAU/AU Declaration on the Principles Governing Democratic Elections in Africa 65
Registrar of Political Parties (Tanzania) 63–4
state funding 60–62
takrima payments 19, 64–5, 113–14

- UNCAC provisions 60
- Zimbabwe 61–2
- political will
 - ‘active’ political will 29, 252
 - corporate political will, developing 335
 - general principles 28–33, 334
 - investigating corruption-related cases 151–2
 - importance of establishing 28, 335
 - ‘no’ political will 30, 49
 - ‘partial’ political will 30
 - persuasive accountability 342
 - prosecuting corruption-related cases 151–2
 - secrecy jurisdictions 4, 276, 298–9, 307–8, 316–17, 335
 - ‘seizing the moment’ 4, 31, 151, 228, 334–5
 - ‘shifting’ political will 31, 151, 189, 191, 281
 - ‘transnational’ political will 31–2, 297–8, 309, 338
- politically exposed persons (PEPs) *see also* doing ‘deals’ with public officials; Financial Action Task Force; immunities; political will
- beneficial ownership of companies 44, 48, 291–2, 302, 306–7, 310
- ‘controlling the controls’ 7, 18, 278–82, 309, 316, 334
- criminal liability for corruption-related offences 18, 63, 319, 337
- definition of 288–90
- enhanced customer due diligence 29, 288
- financial intelligence units and 290–92, 315
- Ibora case 297–8
- looting of state assets by 3, 277–8
- money laundering and 3, 165, 278, 287–90, 293,
- Seven Fundamental Controls over Money Laundering 279–82
- ‘you can’t do it alone’ principle 18, 35
- Polokwane Resolution 187
- Pope, Jeremy (co-founder, Transparency International) 1
- post-public service employment 49–51
- presidents
 - Biya, Paul (President of Cameroon 1982–date) 80
 - Chiluba Frederick (President of Zambia 1991–2001) *see* separate entry
 - immunity from prosecution 78–81
 - judges, role in appointment of 209–11
 - pardon, power of 84–5
 - post-office immunity 81–2
 - prosecutors, power to appoint 153–4
 - removal from office, procedure for 78–81
- presumption of corruption
 - constitutional issues 134–8
 - illicit enrichment 130–32
- Principles of Best Practice for Commonwealth Human Rights Institutions 193
- privacy, right to 45–6, 138–45, 331
- private sector *see also* accounting; bribery of foreign public officials; corporate criminal liability; deals with the corporate sector; debarment
 - Acres International *see* separate entry
 - African Development Bank/OECD Initiative to Support Business Integrity and Anti-Bribery Efforts in Africa 239, 253
 - anti-corruption agencies, role of 182–3
 - AU convention provisions 245
 - ‘bad’ corporate governance, checklist for 234–5
 - beneficial ownership 48, 291–2
 - Bribe Payers Index (Transparency International) 11, 233–4, 256–7, 272
 - Business Principles for Countering Bribery 237–8
 - business records and the rule against hearsay 168–71
 - civil remedies against corporations, use of 258–9

- Construction Industry Ethics and Compliance Initiative 237
- company agents, use and abuse of 14, 19, 238, 246–7, 255, 272, 339
- corporate political will 335
- Extractive Industries Transparency Initiative *see* separate entry
- facilitation payments 19, 51–2
- Foreign Corrupt Practices Act, penalties under 260–61
- gifts 18–19, 51–2
- global standard-setting initiatives 237–9
- hospitality 18–19, 69, 82, 131
- Kellogg Brown & Root LLC case 270
- lobbying 49–50
- Mabey and Johnson case 235, 269, 271
- OECD Good Practice Guidance on Internal Controls, Ethics and Compliance 255
- OECD Guidelines for Multinational Enterprises 237
- OECD Recommendation of the Council on Guidelines for Managing Conflict of Interest in the Public Service 47
- OECD Recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions 255
- OECD Recommendation on Tax Measures for Further Combating Bribery of Foreign Public Officials in International Business Transactions 255
- off-shore companies 41, 43–4, 298, 300, 302, 335, 340
- Oxford University Press case *see* separate entry
- post-public service employment 49–51
- Serious Fraud Office 261–2, 270
- Siemens case 234–5, 260–61, 265, 271, 341
- Siemens Integrity Initiative 238–9, 336
- ‘tone from the top’ 237
- UNCAC provisions 245
- United Nations Global Compact 237–9
- procurement 73–6
- prosecuting corruption *see* investigating and prosecuting corruption-related offences;
- prosecutors
- prosecutors *see also* investigating and prosecuting corruption-related offences
- accountability 161–2
- alternative charges, bringing 165–6, 228
- anti-corruption commissioners, links with 155
- appointment of 153–5, 188
- Attorney-General, relationship with 112, 158–60
- Bangalore Principles of Judicial Conduct 160, 219
- cunning, need for 165
- Director of Public Prosecutions 150, 153–4, 156, 185, 189, 319
- discretion to prosecute 156–60
- expatriate prosecutors, advantages of 188
- independence of 152–5
- judicial review of appointment 154
- link with the Attorney-General 159–60
- security of tenure 153–4
- selecting the appropriate charge 5–6, 18, 30, 44, 86, 155, 165–6, 174, 228, 311, 319, 337
- training 161
- UNCAC provisions 152–3
- public accounts committee 43, 73, 218
- public officials *see also* asset and income declarations; conflicts of interest; immunities; whistleblowers
- AU convention provisions 36–7, 52–3
- education and training 39, 43, 52–3, 70, 75, 161, 181, 199–200, 222, 229, 312, 343

- confidential information, misuse of
 - 91, 94
 - definition 36
 - facilitation payments 19, 51–2
 - false declaration of income and
 - assets, offence of 18, 44, 63, 165, 229, 290
 - financial demands placed upon 68–71
 - gifts 18–19, 51–2
 - hospitality 18–19, 69, 82, 131
 - lobbying 49–50
 - measures to fight corruption 36–7
 - post-public service employment
 - 49–51
 - pressures upon 17, 35, 37, 279–82
 - privacy, right to 45–6
 - revolving doors 49–51
 - whistleblowing 53–6
- public service
 - anti-corruption commissions, role of
 - 181–2
 - codes of conduct 37–9
 - control over by PEPs 279–82
 - lobbying 49–50
 - measures to fight corruption 36
 - public service commissions 53, 153, 243
- recovering the proceeds of corruption
 - African states, benefits for 323–9
 - Alamieyeseigha case *see* separate entry
 - asset recovery agency 178, 190, 198, 319
 - Asset Recovery Inter-Agency
 - Network for East Africa (ARIN-EA) 199
 - basic principles 317–18
 - BAe case 269–70
 - Balfour Beatty case 261
 - Chiluba case *see* separate entry
 - civil law actions 95–103, 328–9, 332–3
 - civil law action in a foreign
 - jurisdiction *see* Chiluba case
 - civil society organizations, role of
 - 323
 - concurrent criminal proceedings 321
 - conviction-based asset forfeiture
 - 318–19
 - constitutional issues 320–21
 - criminal restraint order 300–301
 - fair trial, right to 318, 320–21
 - forfeiture proceedings 145, 277, 300, 318–23
 - freezing orders 190, 277, 300, 304, 312
 - Ibori case *see* separate entry
 - instrumentalities, forfeiture of 304, 317–19, 321
 - Mabey and Johnson case 269
 - non-conviction based asset forfeiture
 - 319–22
 - Obiang case *see* separate entry
 - Oxford University Press case 261–2
 - return of assets 268–70, 323–5
 - StAR Initiative 323–4
 - supervision deals 325
 - Switzerland 86–7, 174–5, 279, 306, 325
 - UNCAC provisions 145, 268, 323
 - Registrar of Political Parties (Tanzania) 63
- review mechanisms
 - African Union Advisory Board on
 - Corruption 343
 - African Union Peer Review
 - Mechanism 21, 344
 - civil society organizations, role of
 - 344–5
 - FATF International Co-operation
 - Review Group 284, 294–6
 - Ibrahim Index of African Governance 336
 - Southern African Development
 - Community Protocol Against
 - Corruption Committee of State
 - Parties 343
 - UNCAC Conference of State Parties 342–3
 - Working Group on Bribery in
 - International Business
 - Transactions 32, 256, 258, 342
- revolving doors 49–51

- Ribadu, Nuhu (Chairman of the EFCC 2003–2007) 31, 83, 191
- Rwanda 42, 179, 199
- São Tomé and Príncipe 107, 295, 344
- Sata, Michael (President of Zambia 2011–date) 190–91, 210
- ‘Scorpions’ 157, 187–8
- secrecy jurisdictions 4, 276, 298–9, 307–8, 316–17, 335
- Senegal 178, 286, 292, 294, 312, 344
- Serious Fraud Office (UK) 261–2, 270
- Seychelles 24, 62, 178, 276–7, 285, 292, 300
- Seychelles Economic Development Act 1995 276–7
- Shaik, Shabir 156–7
- ‘shifting’ political will *see* political will
- Siemens case
 - corruption allegations 234–5
 - debarment proceedings 265
 - doing ‘deals’ 260, 271, 341
 - Foreign Corrupt Practices Act and 260–61
 - Siemens Integrity Initiative 238–9, 336
- Sierra Leone 22, 28, 54, 58, 79, 130, 160, 186, 241, 286, 344
- Sisamnes, Judge 202
- Sole, Masupha (Lesotho Highlands Water project case) 167–9, 212, 246–8, 250, 252, 340–41
- South Africa
 - Ad Hoc Committee on the Code of Judicial Conduct and Regulations on Judges’ Disclosure of Registrable Interests 221
 - blacklisting 263
 - Directorate of Priority Crime Investigation 187
 - Directorate of Special Operations 157, 187
 - Financial Action Task Force, membership of 283
 - ‘Hawks’ 187
 - Judicial Conduct Committee 222
 - Judicial Service Commission 221–3
 - misuse of public office, offence of 89
 - National Business Initiative 239
 - National Director of Public Prosecutions, 153–4, 156, 319
 - parliamentary privilege, limits on 88–9
 - political party funding 60
 - Polokwane Resolution 187
 - prosecutors, independence of 187–8
 - president, removal of 79–80
 - privacy, right to 138–9
 - Public Protector 179, 196
 - Register of Tender Defaulters 263
 - ‘Scorpions’ 157, 187–8
 - Selebi, Jackie 91, 157, 187
 - Shaik, Shabir, prosecution of 156–7
 - Simelane, Menzi 154
 - ‘Travelgate’ case 88–9, 144
 - whistleblowing 53–6
 - Witness Protection Unit 41
 - Yengeni, Tony 88
 - Zuma, Jacob (President of South Africa 2009–date) 154, 156–7
- Southern African Development Community (SADC) 23–4
- SADC Protocol Against Corruption 13, 23–4, 343
- SADC Protocol on Mutual Legal Assistance in Criminal Matters 2002
- South Sudan 199, 303
- standard of proof 66–8, 98–9, 112, 131, 319–20, 329, 339
- StAR Initiative 323–4
- Swaziland 24, 167, 178, 285
- Switzerland
 - Abacha case 86–7, 174–5, 279, 306, 325
 - Anglo Leasing case 313–14
 - ‘criminal organization’ legislation 86–7
 - freezing of assets suspected of being proceeds of corruption 4, 164, 277
 - return of proceeds of corruption 247, 325
- Sudan 286, 344

- suspicious transaction reports 291, 315
 supreme audit authority *see* auditor-general
- takrima payments 19, 64–5, 113–14
- Tanzania, United Republic of
 BAe case 269–70
 Election Expenses Act 2010 63
 Financial Action Task Force name and shame exercise, impact of 295
 Legal and Human Rights Centre 19, 64, 113–14
 misuse of public office, offence of 90
 Oxford University Press case 261–3
 Permanent Commission of Enquiry 118
 Prevention and Combating of Corruption Bureau 55, 176, 182, 184, 200
 Registrar of Political Parties 63
 takrima payments, constitutionality of 19, 64–5, 113–14
 whistleblowing 53–6
- Togo 22, 178, 263, 286, 344
- theft by public servant, offence of 189
- trading in influence, offence of 163
- Transparency International
 Bribe Payers Index 11, 233–4, 256–7, 272
 Business Principles for Countering Bribery 237–8
 Corruption Perceptions Index 10, 336
 Global Corruption Barometer 59
 United Nations Global Compact Task Force 238
- Truth and Reconciliation Commission of Kenya 65–6
- Tunisia 12, 277, 286, 292, 323
- Turks and Caicos Islands 306
- Uganda
 anti-corruption court 164, 184, 227, 229–30
 Bukenya, Gilbert (Vice-President of Uganda 2003–2011) 82
 Human Rights Commission 118–19
 Inspector General of Government 40, 118, 150, 179, 185, 199
 Judicial Service Commission 210, 223
 power to compel disclosure of information 150
 vice-president, immunity of 82
- United Kingdom 32, 85, 88, 261, 281, 300, 319, 326, 339
- United Nations Basic Principles on the Independence of the Judiciary 206, 216
- United Nations Convention Against Corruption
 anti-corruption bodies 177–8, 185, 192
 anti-corruption pillars 23
 asset and income declaration systems 39–46
 bribery of foreign public officials 257–8, 272
 compensation for damage 258
 Conference of State Parties 342–3
 conflict of interest 46–7
 ‘corruption’, scope of 5, 14–15
 criminal offences 161–5, 292
 development of 24–6
 funding of political parties 60
 good governance pillars 26
 immunities for public officials 77
 investigation and prosecution of criminal offences 138, 148–9, 152–3, 156, 159, 245
 judicial independence 203, 216, 220
 mutual legal assistance 301, 304, 312, 314
 parties to 26
 prosecutorial independence 152–3
 private sector 236
 public officials, 37–53
 purposes of 26
 return of proceeds of corruption 145, 258, 268, 317–18, 323–5
- United Nations Convention against Transnational Organized Crime 25,
 United Nations Global Compact 237–9

- United Nations Guidelines on the Role of Prosecutors 152
- United Nations International Code of Conduct for Public Officials 25, 39–40, 51–2
- United Nations Principles Relating to the Status of National Institutions (the Paris Principles) 116, 193
- United States of America 11, 32, 50, 60, 88, 234, 259–60, 304, 322 *see also* Foreign Corrupt Practices Act
- Universal Declaration of Human Rights 303
- West African Police Chiefs Committee 303
- West African Police Information System 303
- whistleblowers
- anonymity 56, 124
 - AU convention provisions 54
 - definition 53–4
 - duty to report 54–5, 337
 - expression, freedom of 56
 - protection of 55–6, 122–9
 - South Africa 54–5
 - Tanzania 54–5
- witnesses in criminal cases *see* evidence
- World Bank
- debarment 253, 262–7, 271, 341
 - good governance 20–21
 - Public Expenditure Management and Financial Accountability Review process 325
 - Siemens Integrity Initiative 238–9, 336
 - StAR Initiative 323–4
 - Voluntary Disclosure Programme 266
- Working Group on Bribery in International Business Transactions 32, 256, 258, 342
- Yar’ Adua, Umaru (President of Nigeria 2007–2010) 31, 191
- ‘you can’t do it alone’ principle 18, 35, 54, 70, 293, 297, 337
- Zambia
- Auditor-General 34, 71–3
 - Banda, Rupiah (President of Zambia 2008–2011) 81–2, 90, 189–91, 228
 - Chibesakunda, Lombe (Acting Chief Justice of Zambia 2012–2014) 210
 - Chiluba, Frederick (President of Zambia, 1991–2001) *see* separate entry
 - enforcement of foreign judgments, problems with 328
 - misuse of public office, offence of 90
 - Mwanawasa, Levy (President of Zambia 2002–2008) 81, 174, 188–9
 - Ngulube, Matthew (Chief Justice of Zambia 1999–2002) 111, 218–19, 326
 - recovering the proceeds of corruption 325–8
 - Sata, Michael (President of Zambia 2011–date) 190–91, 210
 - Task Force on Corruption 155, 188–90, 198
 - Zambian Anti-Corruption Commission 176–99
 - Zambian Human Rights Commission 119
 - Zamtrop conspiracy 34–5, 71, 73, 280
- Zambian Anti-Corruption Commission 176–99
- Zimbabwe 21, 35, 61–2, 79, 117, 120, 197
- Zimbabwe Anti-Corruption Commission 117, 184, 197, 200
- Zuma, Jacob (President of South Africa 2009–date) 154, 156–7

