CHAPTER 1

CORRUPTION AND CIRCUMSTANTIAL EVIDENCE

1.1. BACKGROUND TO THE STUDY

The book deals primarily with the law of evidence in the context of circumstantial evidence as it applies to anticorruption efforts in Tanzania. Corruption is recognised throughout the world as a detrimental force that thwarts democracy and represses individuals. Corruption is to be found everywhere; countries only differ in their respective levels of commitment to reduce its viral and deleterious effects. Corruption is a more perverse and devastating problem in countries that are in the process of democratisation and development. The prevalence of international conventions and regional protocols against corruption is a clear testimony that corruption concerns all communities in the global village.

The common-law tradition of the law of evidence since medieval times depended on direct evidence that helps to establish essential elements of crime because the ‘eyewitness paradigm’ was seen as a more
reliable form of evidence than circumstantial evidence. The law of evidence in medieval times did not contemplate corruption as understood today. Therefore, the law of evidence emphasised direct evidence as opposed to circumstantial evidence. Today the same contextual understanding—to give preference to direct evidence or the ‘eyewitness paradigm’—has not changed. And yet practice has shown that there has been limited successful prosecution of corruption cases to conviction through the use of that traditional common-law paradigm. It is therefore in this context that this book advocates for the utility of circumstantial evidence in corruption cases. This is a necessary departure from the status quo—the common-law tradition of law of evidence, which over-emphasises the reliability of direct evidence. If corruption cases are to be prosecuted successfully and the verdict of guilt entered, the paradigm shift to circumstantial evidence is the immediate alternative.

Production of evidence in court, whether in criminal or civil proceedings, employs both direct and circumstantial evidence depending on the nature of the case itself. The law of evidence does not discriminate the application of these two types of evidence in criminal and civil proceedings. Notwithstanding this fact, the standard of proof in criminal proceedings is higher than in civil proceedings; in the former, it must be beyond reasonable doubt, while in the latter, it is on the balance of probability.

This book addresses the issue of the effectiveness of the existing legal framework (legislative and interpretative) that is used in detecting, investigating, and prosecuting those alleged to have committed acts of corruption in Tanzania. It specifically examines the fundamental problem of overreliance on ‘direct evidence’ approaches distinct from ‘circumstantial evidence’ approaches in gathering evidence and prosecuting and securing convictions in corruption cases. The book provides what is considered to be strong support for the view that there is indeed a powerful case for Tanzania’s legal framework to be oriented in favour of circumstantial evidence approaches in order to improve the effectiveness of the contribution of the legal system to the fight against corruption.
The book discusses the results of a study designed to show that the taking of a legal initiative in the form of the adoption of circumstantial evidence approaches, particularly in corruption cases in Tanzania, will advance the deterrence effect of legal anticorruption measures, particularly with a view to increasing the success with which prosecuted corruption cases are brought to the courts of law for judicial dispensation.

The role of circumstantial evidence is not an isolated alternative in a myriad or plethora of issues in the prevention and combating of corruption in any society. The narrow focus and choice of the utility of circumstantial evidence preferred in this book is built on such other existing initiatives against corruption as preventive measures, the capacity building and operational independence of the anticorruption institutions and strategies, the role of the media and civil society, the oversight role played by the legislature, giving voice to the voiceless, political will, ethics infrastructure, whistle-blowers’ protection, risk management, and community education. Just as crime has symbolic meaning, so does the punishment. It is contended that if circumstantial evidence is properly understood, applied, and utilised by law enforcement agencies and the judiciary, the results would immensely improve the quality of cases filed and the effectiveness of the legal system in contributing to the fight against corruption.

It is self-evident from both experience and practice that curbing corruption in any particular and meaningful setting should require both deterrent and preventive measures, and that no one measure should be sacrificed or overemphasised at the expense of the other.

Our findings partly make it apparent that corruption engenders wrong choices and distorts economic and social development nowhere with greater damage than in developing countries. If corruption is left unabated, it will grow and become institutionalised, engendering a culture of illegality that in turn breeds inefficiency in public institutions and causes the economy to be destroyed, social values weakened, and the foundation of a nation shaken.

The government of Tanzania’s policy against corruption is zero tolerance. However, corruption depends on three factors, which must be
understood if the government measures are to be effective. These factors are the overall level of public benefits available, the risk inherent in corrupt deals, and the relative bargaining power of the briber and the person being bribed.4

Corruption takes place where there is a meeting of opportunity and inclination.5 Therefore, the strategies to contain it should address both elements. Opportunities can be minimised through systematic reforms, and inclinations can be reduced through effective enforcement and deterrent mechanisms. It is necessary that a legal framework be put in place that sends out a clear signal to the effect that, while it is difficult to stop people from revering neighbours with more money and wealth, people who have such money and wealth must be prepared to explain how they got them. For, as one Tanzanian legal scholar—Professor Leonard Shaidi—once pointed out, ‘Corruption is largely the result of a competitive economy which reveres success based almost exclusively on money and accumulation of wealth’.6 This being the case, Tanzania needs to have a legal framework in place that provides for effective legal mechanisms that hold such suspects accountable for ill-gotten wealth. One such mechanism is the efficacy of circumstantial evidence as a viable paradigm.

This book focuses on the examination and analysis of circumstantial evidence and makes a case for the view that Tanzania should move away from the traditional school of thought, with its emphasis on ‘direct evidence’ in prosecuting corruption, towards one that favours and accords more weight to ‘indirect evidence’ or ‘circumstantial evidence’.7

1.2. DIVERSITY IN CORRUPTION THEORIES

The theories and practice of corruption are based on the causes and effects of corruption. Most scholars and anticorruption reformers have examined the concept of corruption with a view to linking it with its causes and effects.8 The general pattern of these theories seems to tilt the balance of emphasis one way or the other based on the background of the scholar or anticorruption reformer.
If the scholar is a political scientist, the analysis of corruption is likely to address the question of the legitimacy of the state. For a banker, the emphasis will be on the effects corruption has on investment. An economist would tie corruption to the downside of economic inefficiency. For an administrator, the emphasis will be on rules and regulations, while a lawyer’s focus will be on the legal framework. Similarly, a sociologist will focus on the social context of corruption, and so on.

1.2.1. A Survey of the Problem in Tanzania

The Warioba Report mapped the problem and magnitude of corruption in Tanzania and drew the conclusion that corruption has permeated all sectors and is therefore a serious issue that deserves special attention for its crippling effects on the economy, social fabric, and political legitimacy. The Warioba Report resulted in the formulation of the National Anti-Corruption Strategy and Action Plan (NACSAP). Anticorruption measures are also addressed in and linked to the Poverty Reduction Strategy of Tanzania, and corruption is identified as one of the impoverishing factors in Tanzania; thus, good governance constitutes the third of the three clusters of outcomes in the Poverty Reduction Strategy (MKUKUTA). (The Tanzanian government Poverty Reduction Strategy (MKUKUTA), has three clusters: Cluster 1 focuses on macroeconomic growth and stability, Cluster 2 seeks to institute sustainable reforms that addresses the Millennium Development Goals (MDGs), and Cluster 3 encompasses good governance and the fight against corruption.) Several researchers and scholars have emphasised that the structural characteristic of political markets in which there is little incentive for control by the voters and strong incentives for self-serving politicians to cater to interest groups is the principal factor in corruption.

Surveys show that corruption is pervasive in areas that lack economic freedom; overexpanded and overregulatory governmental structures create incentives for corruption by encouraging the seeking of privileges. On the one hand, corruption is the cost of obtaining privileges that only the state can legally grant. Such privileges would include favouritism in taxation, tariffs, subsidies, loans, government contracting, and
regulation.\textsuperscript{11} On the other hand, corruption is the result of attempts to avoid the restrictions that accompany the use of privileges, taxes, and barriers to free trade.\textsuperscript{12}

Edmond Mndolwa has highlighted the role played by the Controller and Auditor General (CAG) in containing the menace of corruption. He contended that, though CAG has reported and will continue to report to parliament, his reports will continue to be read and quietly filed away in the normal manner. More action beyond filing of these reports is warranted to ensure that checks and balances among the organs of the state are maintained.\textsuperscript{13}

Mndolwa has observed the failure of Tanzanian public corporations to deliver the expected goods and services, creating a favourable breeding ground for corrupt practices. He pointed out several reasons why these public corporations failed to deliver. The method of making the appointments of the chief executive officers (CEOs) of these corporations invariably involves intense lobbying and undue influence.\textsuperscript{14} CEOs appointed under such an environment will most likely succumb to corruption and undue jostling for favours.

1.2.2. Good Governance
Many social and economic scientists have attempted to define the term \textit{good governance} from their perspectives without necessarily seeking to observe the concept from legal point of view. However, Kenneth K. Mwenda contended that a succinct legal definition of \textit{good governance} remains elusive. Most of the definitions given are simply the restate-ment of existing concepts pertaining to constitutionalism, rule of law, accountability, transparency, and the doctrine of separation of powers.\textsuperscript{15} The meaning assigned by the World Bank to the term \textit{governance} is the exercise of political power to manage a nation’s affairs.\textsuperscript{16} It implies predictable, open policy making; a bureaucracy with a professional ethos; an executive arm of government accountable for its actions; and a strong civil society participating in public affairs—all operating under the rule of law. The Tanzanian government defines \textit{good governance} as the
exercise of official powers in the management of the country’s resources for the betterment of life.\textsuperscript{17}

Governance and accountability form the third cluster under the Poverty Reduction Strategy (MKUKUTA) that provides the foundation for the government’s intervention to reduce poverty in Tanzania. Governance and democracy overlap to a significant degree. They both emphasise structures, processes, and values that heighten legitimacy, accountability, and responsiveness in public affairs. However, governance and democracy are conceptually distinct.

Governance is conceived of as the effective management of public affairs through the generation of a regime (set of rules) accepted as legitimate, in the promotion and enhancement of societal values sought by individuals and groups. Good governance is the ability of public institutions to deliver quality goods and services to their clients or citizens with optimal consistency and satisfaction. This is manifested in the effective utilisation of taxes into equitable social and economic services and maintenance of law and order in the context of the rule of law.

Social decay and weakness of state institutions call for institutional renewal in the form of good governance to address economic achievement and growth. Governance became the agenda after the collapse of communism and of the central planning model in the former Soviet Union, which has been replaced by a capitalist model at a global level.\textsuperscript{18} Governance is now a global concern and agenda. It is a rallying point at all global fora and international organisations such as the UN, the World Bank, the European Union, the Commonwealth, and certainly bilateral donors in sub-Saharan African.

The World Bank in particular began to use the term \textit{good governance} in the early 1990s when it focused primarily on improving public administration. In a 1992 report on ‘Governance and Development’, the World Bank expanded the definition to include ‘the manner in which power is exercised in the management of a country’s economic and social resources for development’\textsuperscript{19} The International Monetary Fund (IMF) contributes to promoting good governance in member countries
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through its policy advice and, where relevant, technical assistance in the following two spheres:

- Improving the management of public resources through reforms covering public sector institutions; and
- Supporting the development and maintenance of a stable economic and regulatory environment conducive to efficient private sector activities.\(^{20}\)

For the United Nations Development Programme (UNDP), governance and human development are indivisible entities: human development cannot be sustained without good governance, and governance cannot be sound unless it sustains human development. UNDP defines governance as the exercise of political, economic, and administrative authority in the management of a country’s affairs at all levels. Governance comprises the complex mechanisms, processes, and institutions through which citizens and groups articulate their interests, mediate their differences, and exercise their legal rights and obligations. Good governance has many attributes; it is participatory, transparent, and accountable. It is effective in making the best use of resources and is equitable. In addition, it promotes the rule of law.\(^{21}\)

Governance is participatory in the sense that it includes the state but transcends it by taking in the private sector and civil society. The three together create a favourable political and legal environment. The private sector generates jobs and income. The civil society facilitates political and social interaction—mobilising groups to participate in economic, social, and political activities. Because each has weaknesses and strengths, a major objective of our support for good governance is to promote constructive interaction amongst the three.\(^{22}\)

Mwenda is of the strong view that such definitions do not constitute, jurisprudentially, well-set-out legal definitions of good governance.\(^{23}\) He made a case that if, indeed, the term *good governance* is a legal concept, then it is not enough to state simply that good governance is epitomised by predictable, open, and enlightened public policy; a bureaucracy imbued
with a professional ethos acting in furtherance of the public good; the rule of law; transparency processes; and a strong civil society participating in public affairs. Good governance, according to Mwenda, ‘refers simply to a collection of legal concepts that have been known to several lawyers time immemorial. There is nothing jurisprudentially new about the term good governance, although this term has attracted much intellectual curiosity and excitement’.25

Apart from the superficial treatment of the term good governance by many scholars and multilateral institutions such as the World Bank, IMF, African Development Bank, Asian Development Bank, and UNDP—as Mwenda postulated—a consensus on the definition of the concept of good governance is yet to be found.

Nonetheless, fighting corruption is about committed political culture that does not render lip service to anticorruption and good governance initiatives, but ensures that governance is improved and corruption is dealt with accordingly. Bad governance, however, is a failure of public institutions to supply society with a framework for a competitive process and sustainable development. Good governance is essential for developing an environment that promotes economic growth and minimises poverty. Sustainable development requires sound institutions as well as synergy between the economic and political spheres. For circumstantial evidence to be effective in the dispensation of justice against corruption, all legal institutions—including the judiciary, the police, the office of the DPP and the attorney general, the legal practitioners, and the Prevention and Combating of Corruption Bureau (PCCB)—must be strengthened in terms of capacities, training, and commitment to uproot corruption in society. Most importantly, the understanding of the utility of circumstantial evidence in corruption cases as the common-law tradition has not been able to effectively deal with the new trends of corruption and its predicates.

Research findings have demonstrated that corruption leads to lower capital inflows and lower productivity. Corruption may deter foreign investors because it is often associated with a lack of secure property rights as well as bureaucratic red tape and mismanagement.26 The
deleterious effects of corruption are devastating because of its pervasive, viral nature, and it is corrosive to the political and socioeconomic existence of our nation.27

One the one hand, corruption is an extra cost and a waste to taxpayers because, while it is true that governments should impose taxes for revenue collection—which, in turn, runs the activities of the government and enables the government to deliver its essential services to the citizens—taxes and tariffs become an opportunity for bribery. On the other hand, corruption creates uncertainties for the taxpayers, who invariably do not know quite how much they have to pay. It reduces the revenue accruing to the government.28

In its effort to curb corruption, the government of Tanzania introduced the national anticorruption initiative,29 which proposed both preventive and deterrence measures to curb corruption in the country. However, these domestic initiatives target the demand side of corruption and naively ask corrupt leaders to judge themselves by collaborating with other stakeholders such as the private sector and civil society without focusing adequately on making corruption a high-risk undertaking.

Similarly, the report on the state of corruption in Tanzania implored that the long history of fighting corruption in Tanzania has revealed that there is a need to continue to update instruments and approaches for fighting corruption to cope with the changing nature and avenues of corruption as circumstances change.30

The Tanzania Development Vision 2025 has three major foci: achieving high-quality livelihood for Tanzanians, attaining good governance through the rule of law, and developing a strong and competitive economy.31 Corruption is a serious hindrance to the attainment of the national vision in Tanzania. Corruption is in addition a worldwide concern that calls for collective interventions through concrete, clear, concise, and comprehensive strategic action plans.

1.2.3. Corruption and Delivery of Social Services
The Warioba Report revealed that social service delivery by public institutions is crippled by corrupt transactions through public servants. It is
observed that corruption downgrades the quality of social service delivery in Tanzania to a level below the expectations of the general public. The National Afro Barometer Survey also showed that Tanzanians see petty corruption by public officials as pervasive. The most common form is that which involves government officials at the local authority level, namely, the traffic police, court clerks, and magistrates. It is commonly held that corruption is rarely a victimless crime. However, Justice Heath held a different view: the state is also a victim of crime, including corruption, because it suffers financial losses as a result of non-delivery of goods for which payment should be made. Loss can occur as a result of simple theft and fraud; vehicles, equipment, and other goods are lost as a result of various schemes of corruption, fraud, theft, and negligent conduct or lack of control.

Corruption can cause death as featured in a marine disaster of May 1996, involving a passenger liner MV Bukoba. This vessel capsized in shallow waters in Lake Victoria with the loss of an estimated seven hundred lives. A judicial commission report published in September 1996 blamed the Tanzania Railways Marine Division for operating the vessel without due care. The division was said to have been characterised by gross negligence, inefficiency, and corruption. The government was also blamed for buying a defective ship, and the Belgian Shipbuilders (BSC) for supplying a vessel that did not correspond to the specifications and for not giving users adequate guidelines on how to handle the ship.

1.2.4. Economic Growth and Sustenance
With a population of 33,671,453 people, Tanzania remains one of the poorest countries of the world, although it is endowed with abundant natural resources. Tanzania heavily depends on international assistance revenue—this accounted for 10 percent of the gross domestic product (GDP) and 33 percent of the government budget in 2000. The revenue from overseas development assistance stands at US$1 billion per year, which makes Tanzania one of the most donor-dependent countries in sub-Saharan Africa. The Poverty Reduction Strategy adopted in 1997 has resulted in the Highly Indebted Poor Countries (HIPC) debt relief
of 45 percent (US$7.6 billion) that allows the country to channel its resources to other priority areas.\textsuperscript{38}

To capture the magnitude of corruption in economic terms, Alan Bacarese revealed that corruption represents 25 percent of the world’s costs on government procurement. The Corruption Perception Index (CPI) for 2006 for Transparency International (TI) reflected that, of the US$4 trillion spent on government procurement annually, approximately US$400 billion will be siphoned off in corruption, classically in the form of bribes. Corruption is the cause of building unnecessary infrastructure that is of dangerously poor quality.\textsuperscript{39} In 2004 the World Bank announced that over US$1 trillion were paid in bribes in one year alone.\textsuperscript{40} In 2007 Bacarese contended that the figure was then five to six years out of date and did not represent the cost of large-scale fraud or embezzlement of public funds. From the African angle, the Economic and Financial Crimes Commission in Nigeria put the country’s own corruption and theft at approximately £210 billion, or US$420 billion.\textsuperscript{41}

The Poverty Reduction Strategy, together with the Tanzania Development Vision 2025, sets out the strategy and objectives for poverty eradication by 2010. To realise these objectives, the government came up with the medium-term strategy for poverty reduction (PSRP) that was developed in 2000 and seeks to reduce the incidence of absolute poverty from 48 percent to 42 percent by 2005, and down to 24 percent by 2010. The current GDP growth increased from 4.1 percent in 1998 to 7.1 percent in 2007. Agriculture, the backbone of the economy, is targeted to grow at 5+ percent per year. The government has also prioritised basic education, primary health care, water, roads, the judiciary, agriculture, and HIV/AIDS in its Poverty Reduction Strategy Paper (PRSP).\textsuperscript{42}

These economic growth endeavours by the government can only be successful if corruption is tackled comprehensively and in a multifaceted approach, because it makes serious inroads into any meaningful economic, political, and social development in a country—more so in a poor country. This book is another attempt to demonstrate that corruption can be tackled from many fronts, including through the utility of
circumstantial evidence in corruption cases to complement other prongs against the malaise.

1.3. The Policy Response to Corruption

Given the spread of corruption in the country as documented in the Warioba Report, it became evidently clear that the government had to come up with a clear policy and a multifaceted strategy to combat the scourge of corruption in a holistic fashion.

In response to the Warioba Report, the government came up with NACSAP, which is a policy and strategy document that was conceived on 29–31 March 1999 at the Momela Lodge, Arusha. Its aim is to address the challenges posed by corruption holistically and to find the means to deal with it strategically, involving all stakeholders. The government brought together members of the private sector, the public sector, civil society, and the media, as well as professionals, academics, and development partners or donors,43 to discuss and agree on policy considerations and coalition building in developing a national vision that would guide the fight against corruption in Tanzania. In November 1999, NACSAP received cabinet approval and was brought into operation in 2000.44

NACSAP has identified four guiding principles for its implementation: (a) prevention, (b) enforcement and rule of law, (c) public awareness, and (d) institution building. The central theme of the present study is pegged on the enforcement and rule of law; therefore, we examine the efficacy and utility of circumstantial evidence. This theme is an important part of both the Poverty Reduction Strategy and NACSAP, as it is designed to concretise and support the efforts of the PCCB and the courts in order to reduce the levels of corruption in Tanzania and ensure that perpetrators realise that any indulgence in corruption is a high-risk undertaking; the utility of circumstantial evidence will be an effective tool to deter corruption, particularly the cooperation of the courts and law enforcement agencies.
The central theme of this study is in total agreement with Deepa Narayan’s\textsuperscript{45} elaboration on the role of institutions in the lives of the poor by either responding to or repressing their needs, concerns, and voices. When the poor and rich compete for services, the rich will always get the upper hand and priority. The fight against corruption becomes effective where the community is involved through public education, sensitisation, and outreach programmes at the community level. In addition, this cause can also be fought for through interactions found in development and social assistance involving the civil society, private sector organisations, and the media. They are found along a continuum, from the micro or local level to the macro or national and international levels.

The intent of combating corruption in Tanzania was translated into an institutional framework in the form of the NACSAP infrastructure. NACSAP is meant to correct the negative effects of corruption by strengthening systems of integrity, transparency, and accountability in public institutions. NACSAP focuses on causes and effects of corruption, plugging up loopholes in systems, procedures, rules, regulations, and laws, and changing the mind-sets of all players—particularly the citizens, through their civil society organisations, the media, and the private sector. Our theme is one area that NACSAP has to address, particularly the law against corruption (cap. 329), which is weak and has been overtaken by the demands of time that require an overhaul of that law in order to incorporate the best practices, such as the utility of circumstantial evidence in corruption cases, by examining the best practices in other jurisdictions and domesticating regional and international instruments against corruption, which Tanzania has ratified.\textsuperscript{46}

NACSAP is national in its outlook, sectoral in its focus, and action oriented since it aims to strengthen systems that are transparent and accountable. The objectives of NACSAP are as follows:

- Comprehensive anticorruption law to be put in place (by repealing and replacing the current law—the Prevention of Corruption Act [PCA] of 1971);
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- Identification of areas in government activities most prone to corruption and redressing them through a sectoral approach (Ministries, Departments and Agencies [MDAs] action plan);
- Identification of legal and administrative corruption remedies that provide adequate deterrence; and
- Triangular partnership (government, civil society, and private sector)—coalition building.

Principles of NACSAP are founded on prevention through simplification, demystification, and depersonalisation of the government and its programmes. The first principle—simplification of procedures—is aimed at reducing rent-seeking opportunities for corruption.

The second principle of NACSAP is enforcement, that is, to provide operational independence and effective discharge of the functions of the law enforcement agencies that are enjoined by law to curb the scourge—in this case the PCCB. In addition, the judiciary has to expeditiously dispose of corruption cases fairly and firmly to strengthen the objectives of the criminal justice system.

The third principle is public awareness, where the capacity to disseminate the rights and duties of the citizenry is emphasised. An informed citizenry is essential towards holding government accountable because that is where the role of the civil society and media becomes effective, as they play an important role in holding the state actors accountable for their action or omissions, or both. The fourth principle is institution building, where the oversight bodies are empowered adequately to discharge their functions effectively. In the case of the PCCB, the capacity to detect, investigate, and prosecute corruption cases must be strengthened and must translate the utility of circumstantial evidence to foster its capability to bring more and serious cases that can stand the evidential scrutiny of the courts of law.

These oversight bodies include parliamentary committees responsible for anticorruption and proethics measures, the PCCB, the Ethics Secretariat, the Commission on Human Rights and Good Governance, and the CAG. And the fifth principle is the political will that must be
demonstrable by political actors to attack both perceived causes and effects of corruption at a systemic level.

The seven priority areas of NACSAP are as follows:

- **The rule of law and legal framework** is to provide will facilitate sectoral law review and the creation of an enabling environment that restores confidence in the judiciary and law enforcement agencies.
- **Financial discipline and management** is intended to reduce and eradicate the siphoning of public funds by unfaithful and deceitful public officials who collude with a third party outside public institutions, on the one hand, and to increase revenue collection to finance the provision of social services and goods to the general public, as well as a recipe for economic growth, on the other.
- **Procurement** requires strict compliance with transparent administration procedures for the tendering for and the procurement of goods and services.
- **Public education** includes the creating of awareness in and the sensitisation of the citizens regarding their rights and responsibilities; this would involve the creation of innovative educational programmes that would further the awareness among the citizenry of the harm caused by corruption and inflicted on the economy, the ultimate purpose of which is to transform the fabric and values of the society.
- **Public service reforms** (i.e., capacity building) would help citizens and civil servants, likewise, understand that public officers are not ‘masters’ but ‘servants’ of the people, to whom they are accountable for their actions; public servants deserve a fair remuneration package.
- **Whistle-blowers and witness protection** call for cognisance of the fact that informers and citizens who come forward to the law enforcement agencies and report on corruption incidents are not protected. A legal framework has to be put in place to provide adequate protection and give confidence to players in anticorruption programmes.