

GOVERNMENT NOTICE No.45

IN THE MATTER OF THE ARREST OF MS. MARTHA CHIZUMA, THE
DIRECTOR GENERAL OF THE ANTI-CORRUPTION BUREAU ON THE 6TH
DAY OF DECEMBER, 2022

COMMISSIONS OF INQUIRY ACT

(CAP. 18:01)

APPOINTMENT OF A COMMISSION OF INQUIRY

WHEREAS MS. MARTHA CHIZUMA, the Director General of the Anti-Corruption Bureau, was arrested by the Police on the 6th day of December, 2022 and it is deemed to be in the public interest that an inquiry be held into the circumstances leading to and surrounding the arrest:

NOW, THEREFORE, in exercise of the powers conferred by section 2 of the Commissions of Inquiry Act, and subject to the provisions of that Act, I, DR. LAZARIUS MCCARTHY CHAKWERA, President of the Republic of Malawi, do hereby issue this Commission and appoint a Commission of Inquiry as follows—

1. The following persons are hereby appointed to be Commissioners and Secretary of the Commission of Inquiry —

- (a) His Lordship Edward Twea SC—*Chairperson*
- (b) Mr. Enock Chibwana—*Member*
- (c) Monsignor Fr. Dr. Patrick Thawale—*Member*
- (d) Mr. Lot Dzonzi—*Member*
- (e) Ms. Maureen Kachingwe—*Member*
- (f) Mr. John Gift Mwakhwawa—*Member*
- (g) Mrs. Innocencia Chilombo—*Member*
- (h) Mr. Kassim Mdala Amuli—*Member*
- (i) Mrs. Else Tembo—*Member*
- (j) Senior Chief Tengani—*Member*
- (k) Ms. Lingalireni Mihowa—*Member*
- (l) Mr. Frank Tisu Kalowafumbi—*Secretary*.

2. The Commissioners shall act in accordance with the provisions of the Act and, subject thereto, shall have power to consider, determine and inquire into all aspects of the arrest including, but not limited to—

(a) whether the arrest was based on a formal complaint received by the Police and if so—

- (i) who lodged the complaint;
- (ii) whether the complaint so lodged disclosed reasonable grounds to suspect that the arrested person had committed an offence; and

(iii) whether it is in the public interest that the basis of the complaint be investigated;

(b) whether the Police acted in accordance with the law;

(c) the manner in which the arrest was conducted;

(d) whether in the course of the arrest and detention, any rights of the arrested person were violated; and

(e) recommendations with respect to the measures to be adopted to prevent the recurrence of similar incidents.

Report

3. The Commissioners shall, within fourteen working days from the date of taking the Oath prescribed under section 5 of the Act, submit a written report of their findings and recommendations to the President.

Procedure

4. The Commissioners shall have power to determine—

(a) their own procedure;

(b) their own quorum at hearings and meetings;

(c) the place or places where the inquiry shall be held;

(d) whether or not the inquiry shall be held in public, with reservations nevertheless to the Commissioners to exclude any person or persons or any matters or particulars if the Commissioners deem fit for the due conduct of the inquiry, the preservation of order and for any other reason;

(e) the format of the report the Commissioners will render upon completion of the inquiry; and

(f) such other matters as the Commissioners deem expedient for the purpose of the inquiry.

Co-opting of experts

5. The Commissioners may co-opt, for such period or periods as they think fit, any number of experts or other persons as, in view of the Commissioners, are required to assist in the performance of their functions.

Issued under my hand and the Public Seal of Malawi, this 9th day of December, 2022.



(FILE NO.:SPC/S/001)

DR. L.M. CHAKWERA
President