

**ARAB REPUBLIC OF EGYPT
ADMINISTRATIVE CONTROL AUTHORITY**



ACA

**FIGHTING CORRUPTION AMONG
SECURITY & JUSTICE OFFICIALS**

ARAB REPUBLIC OF EGYPT
ADMINISTRATIVE CONTROL AUTHORITY
CORRUPTION AMONG SECURITY AND JUSTICE
OFFICIALS
WORKING PAPER

1. Introduction:

In the beginning of my presentation, I would like to express my sincere appreciation, and gratitude to his excellency vice president, AL Gore for taking the initiative to announce for such unprecedented international event, which will help in establishing the bases and approaches to fighting corruption.

The significance of this conference, can basically be referred to :

- The theme of the conference (Fighting corruption among security and justice officials) is the first of its kind to be discussed on the international level.

we all know, that security and justice officials are commissioned to fight corruption whenever it exists, and in the performance of their duties they have the statutory mandate which enables them to fulfill their post obligations. But in view of the fact that, if corruption prevails among such distinguished systems, this with no doubt, shall cause deviation of authority, prevalence of organized crime, and inequity among citizens leading to mistrust of their governments.

- The participation of representatives from various anti- corruption agencies from all over the world will provide the opportunity to share experiences and find the solutions and approaches to eradicate their common problems.
- We have to admit that, corruption exists among public servants all over the world, some of those could be security or justice officials the size and impact of corruption may vary from one country to another, but it becomes more significant and influential in the developing countries, where their ambitions and hopes to achieve reasonable economic and social development rates, are influenced to great extent.

Corruption in its various forms, broadly causes wasting of the state's economic resources, which are looked at as, the most important factors that could affect the development process. This requires the unity of the world nations in order to, join forces and efforts to fight corruption in general, and to fight corruption among security and justice officials in particular. To ensure stability of the world economies and to achieve prosperity for our nations.

I shall present the experience of the Administrative Control Authority , as a supreme control authority in Egypt, entrusted to combat various

forms of corruption among the state's institutions and public servants. Starting with defining the concept of, and factors leading to corruption, from the Egyptian prospective.

2. The concept of administrative corruption :

Administrative corruption can be defined as the behavior or attitude exercised by any official, by which he / she may violate the ethical measures and codes of conduct, resulting organizational, behavioral, and financial contravention. The penalties for such contravention may vary from disciplinary punishment to criminal penalties.

3. Factors leading to corruption :

These factors can be classified into two categories :

- * Internal factors . . . such as the intellectual capabilities of the official, and the applied work regulations and systems.
- * Environmental factors . . . which would affect the behaviors and attitudes of the official such as, political corruption and governing regimes, declined cultural level, the increase in financial responsibilities, and absence of religious values urging for integrity and merit.

4. Methods of restricting Corruption in Egypt :

- * Internal control
Represented in monitoring the official's compliance in applying laws and regulations, and regular evaluation of his behavior and performance. This process is carried out by internal control elements such as: departments of, planning and follow-up , personnel , finance, security, and legal affairs.
- * External control :
Represented in conducting investigations on officials to verify their behaviors, reputation, and observance of official position, and laws governing public posts. This process is conducted by :
 - Ministry of Interior (Civil Police).
 - Judiciary and prosecutionary bodies.
 - Central Audit Agency.
 - Central Agency for organization and Administration.
 - Military forces.
 - The Administrative Control Authority.

5. Laws governing the ethics and behaviors of security and justice officials :

In spite of the fact, that security and justice officials are recognized as public servants , and subject to the provisions of the state's civil service law, the seriousness of their duties, urged the legislators to enact especial laws and codes of conduct to govern their behaviors and practices. In addition to, the currently enacted laws for combating corruption such as, law No. 62/1975 concerning illicit enrichment, law No. 89/1998 concerning tenders, law No. 58 /1973 concerning the issuance of the penal code, and law No. 127/1981 concerning government accountability. (Annex 1)

6. The major impermissibles stipulated in the above laws :

- Violating the rules and provisions prescribed in laws and regulations in force .
 - Making any statements on the duties of position, through the press or other ways of publication, unless being authorized in writing by the competent authority.
 - Disclosure of confidential matters to which he has access by power of his position.
 - Retaining for himself the original of any document, or detaching such original form files appropriated for keeping it.
 - Combining his position and any other work which he performs personally or through an intermediary.
 - Accepting any gifts, presents, remuneration, commissions, or loan, for performing the duties of his position.
 - Participating in political parities.
 - Collecting funds for any individual or authority, distribute leaflets, or solicit signatures for illegitimate purposes.
 - Purchase **realties** or movables as launched by the judiciary or administrative authorities for sale, if this is connected with the duties of his position.
7. Further . . . It is important to indicate that the above mentioned security and justice agencies, which are responsible for monitoring public employees, have within its organization internal control elements, to monitor the ethical and behavioral conducts of its staff.

THE ADMINISTRATIVE CONTROL AUTHORITY (ACA)

8. The Administrative Control Authority is an independent control organization relevant to the Prime Minister; and reports directly to him, the ACA is responsible for monitoring the sound performance, of the state's administrative bodies in order to achieve the objectives, guarantee order and discipline within the governmental

institutions, detect and prevent corruption among public servants, and provide assistance to public officials to solve work problems. The ACA is established according to law No. 54 for the year 1964 which prescribes its competence and authorities.

9. ACA'S AREAS OF JURISDICTIONS

- * The state's administrative bodies and public sector.
- * Public business sector.
- * Private sector accomplishing public works.
- * Organized bodies in which the state contribute under any form.

10. RESPONSIBILITIES :

- * Studying & revealing causes of negligence in work & production and suggesting means to avoid it.
- * Following-up the implementation of laws and ensuring that decisions, regulations, and systems applied are adequate to achieving the goals.
- * Revealing the defects in the administrative, technical, and financial systems and proposing necessary remedial procedures.
- * Detecting and preventing administrative and financial violations, occurrence of crimes on duties and tendencies to abuse authority.
- * Examining the press articles & media coverage of issues revealing deficiency or misconduct in public services.
- * Seizing public funds crimes committed by public employees.
- * Examining complaints received from citizens or concerned authorities.
- * Investigating illegal gain cases.
- * Conducting investigations on candidates for top management posts or candidates to be decorated.
- * Providing reports to the P.M.; Ministers, and Governors with any required studies, information and data.
- * Submitting reports including results of studies and remedial proposals to the P.M.; Ministers , and state officials.

11. ACA JURISDICTIONS:

According to law No. 54 /1964 ACA members have the authority to :

- * Obtain copies of documents & files.
- * Seize documents & files.
- * Demand the presence of officials & citizens to hear their declaration.

- * Request the suspension and/or the punishment of public employees.
- * Have the statutory mandate to Conduct investigations, and seize public fund crimes .

Regulations governing the behaviors of ACA members.

In regard to the ACA's responsibilities, sensitive nature of its duties, and the broad competence provided to its members , ACA established a number of internal regulations, and measures, by which can monitor the activities, and sound performance of the members, in order to prevent and detect deviations and misuse of authority among its members. These regulations and measures can be identified as the following :

Methods of selecting ACA members.

The selection process varies from 9-12 month and consist of four phases.

Phase one.

- Candidates are selected from the state's different sectors.
- They must be university graduates.
- Their range of work should meet with ACA needs.
- Must be reputable, and highly disciplined.

Phase two.

Candidates are subject to investigations carried out by experienced ACA members to evaluate their social levels, reputation, credibility, ethics, and attitude towards the others. These investigations cover work and residence environment.

Phase three.

Candidates are subject to :

- psychological tests, carried out by specialized university professors to measure their capabilities to tolerate work pressure, and personality stability.
- Medical examination.

Phase four.

Candidates are interviewed by the ACA high committee, chaired by ACA chief, to review the outcomes of the pervious selection phases, and to select the most appropriate candidates.

Control performance regulations.

In this respect the ACA, established a group of regulations, to instruct and rule the members' performance, while accomplishing the control missions (investigations - examination of complaints- seizure of public fund and illicit gain cases). Such regulations allow the supervisory levels to monitor the practices of their subordinates, and detect any violations of duty.

The ACA service regulations.

- Organizing the rules of periodic capacity reports, rewards, and promotion criteria.
- Organizing the regular rotation of service periods within ACA central control units, and regional offices (not to exceed 4 years), to prevent the contingency of misusing authority, reveal contravention, and corruption practices.
- Imposing restrictions on serving at regional offices located at the member's home town, in order to reduce, and prevent complimentary and courtesy services to the member's friends and relatives.

The ACA regulations for behavioral rules.

These regulations include the rules defining the behavioral frame, and principles, by which, ACA members are committed to work within its range, and their attitude should be distinguished with the following :

- To be distinguished with, truthfulness, fidelity, and seriousness.
- Good looking, and appropriate appearance to attract the respect , and admiration of others.
- committed to secrecy, and need to know principles.
- Full awareness of ACA's jurisdictions and objectives.
- Full knowledge of all ACA's work regulations, within the frame of ACA competence.
- Dismiss themselves from investigating any case, and/or examining any complaints, that could involve any of their relatives or friends.
- Present, a yearly, financial and enrichment declaration clarifying the changes on their wealth and its sources, in spite, that the illicit gain law obliges every public employee to present such deceleration every five years.

The members disciplinary rules:

The ACA law have prescribed the rules of disciplinary actions to be inflicted upon its members, further, have authorized the chief of ACA , to inflict disciplinary penalties upon any member who shall have violated the obligations of duty, in addition, the law have ruled that, the disciplinary prosecution of ACA members shall be handled by a disciplinary council composed of :

- The deputy of the Administrative Control Authority or in his absence the first senior member of the ACA.
- A member of the ACA, senior to the member prosecuted, and shall be selected by the ACA chief.
- A representative of the department concerned with opinion and legislation, at the state council.

The order for referring to disciplinary prosecution shall be rendered by the chief of ACA, and shall mention the contravention attributed to the referred member, who shall be notified by the referring order, and the fixed date for the meeting of the council, by at least 15 days before the date of hearing.

The decision of the council shall be preambled with those motives for prosecution, and the penalty inflicted upon the accused member, and shall be notified to the member within two weeks of the date of issue. The ACA chief has the competence to inflict preventive suspension if the interest of the investigations required such procedure. This suspension shall not exceed three month, except with decision of the disciplinary council, the suspension of the member shall not ensue the suspension of his pay.

The internal control units for monitoring the performance and behaviors of ACA members:

The ACA organization included several elements responsible for monitoring the sound performance, and behaviors of ACA members these elements are :

Internal follow-up :

As for the control sectors, the follow - up office located in each control sector is responsible for monitoring the members' performance, and their methods in handling the different control tasks assigned to them, and report to the sector's chief to take the necessary procedure.

As for the ACA, the planning and follow -up sector is responsible for the following:

- Reviewing and analyzing all types of control activities accomplished by ACA members, to reveal any violations of work regulations, and to evaluate the members' performance standards , and reports to the chief of ACA.
- Conducting inspection process over ACA units (control administrative- financial) according to either regular inspection plan, or irregular inspection, to verify the performance efficiency of these units.

Internal security :

The central department for internal security, carries out the investigations , and collect information about any violations , or contravention committed by ACA members and /or employees, and then reports to the chief of ACA to take the necessary remedial action.

The special operations department :

Among its competence, the department receive assignments from the ACA chief to conduct either the necessary regular investigations, and surveillance on ACA members, or to investigate certain issues, as well as to investigate the credibility of complaints presented against ACA members.

The high planning committee chaired by ACA chief and composed of ACA seniors, reviews the reports presented by the previously mentioned elements, while deciding on promoting any member, or appointing members for supervisory posts, or transferring any member to any other governmental institution.

The conclusion:

The administrative control authority, distinguished as a supreme control authority in the Arab Republic of Egypt, have instituted the systems and rules, and included among its organization the internal control elements by which , can clearly monitor the behaviors and practices of its members and employees.

In this respect, and in spite of the fact that a number of ACA members were excluded from services and transferred to other governmental institution, for their inefficient performance or violating ACA traditions . I can strongly confirm that since 1982 corruption has never occurred among ACA members while accomplishing their duties .

Recommendations :

Confronting and combating corruption in general, and among security and justice employees in particular, requires establishing integrated national program including all aspects related to this phenomenon. The program should consider the following aspects :

As for the domestic level:

- Promoting the standard and livelihood of officials and employees and providing equitable and adequate wages rates, to enable them to avoid corruption inducements.
- Supporting principles based on adoring work and encouraging motives for perfection, promoting ethical principles urging for integrity and merit.
- Eliminating the legal and regulatory gaps, which facilitate the occurrence of corruption among officials and employees.
- Thoroughly, selecting officials to be appointed for different posts who shall be capable to spare no effort, spread purity among their subordinates, and to be a good example.
- Considering providing effective basic and regular training courses to security and justice officials.
- Performing pro-active regular control process to monitor the practices and behaviors of security and justice officials.
- Instituting flexible work regulations by which the employees of security, control, and justice agencies shall be committed to work within its range.

As for the international level:

- Establishing an international convention under the auspices of one of the United Nations Agencies, by which the signing countries shall have the adequate approach to trace and recover illicit proceeds located in any foreign country.
- Exerting efforts to promote establishing bilateral and multilateral conventions to exchange experiences and information in the field of combating corruption, further.. to broaden the knowledge and awareness among the world nations regarding the recent types of International corruption crimes and the state of art techniques to confront such crimes.
- the necessity to establish legislations that include provisions criminalizing the international , or cross- border bribes (such as : the foreign corrupt practices act- USA).

In this regard . . we have to admit that, it is not only important to institute systems and regulations to prevent corruption among security and justice institutions, but it is rather more important that directors of such

institutions should emphasize on imposing and implementing these regulations and systems to detect and eradicate corruption.

Finally, it is important to indicate that, the political and the executive leadership in Egypt emphasize on detecting and fighting corruption. Therefore, the provisions of criminal codes were reviewed and amended by including intensified criminal penalties, and the recent criminalized acts. Further, from the administrative prospective, the administrative systems applied were developed to overcome the regulatory gaps leading to corruption.

**LAWS GOVERNING THE ETHICS AND BEHAVIORS OF
SECURITY AND JUSTICE OFFICIALS**

- **Law No. 117 / 1998 and its amendments, concerning the reorganization of the administrative prosecutor (parquet) and disciplinary courts.**
- **Law No. 54/1964 concerning the reorganization of the Administrative Control Authority.**
- **Law No. 144/1998, concerning the issuing of the central audit agency law**
- **Law No. 232/1959 concerning the services and promotion conditions of military officers.**
- **Law No. 109 / 1971 concerning the police law, amended by law No. 20/1998.**
- **Law No. 46/1972 concerning the judiciary authority.**
- **Law No. 150/1950 concerning criminal procedures.**