

TRANSLATION

(Dhivehi to English)

OF

LAW NO. 27/2015

THE NATIONAL INTEGRITY COMMISSION ACT

By:

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National Integrity Commission Act

(Translation)

Chapter 1

Preamble

- Introduction and Title**
1. (a) This Act is to establish a Commission to strengthen the integrity of Law Enforcement Agencies in the Maldives and the employees of such agencies and establish procedures and guidelines to investigate cases related to those institutions and to establish the responsibilities, powers, scope of work, prerequisites and disciplinary standards of the members of the Commission, and to determine the procedures for the operation of the Commission and the procedures for carrying out its duties and other related procedures.
 - (b) This Act shall be cited as the “National Integrity Commission Act”.
- Objectives of the Act**
2. The objective of this Act is to achieve the following.
 - (a) To investigate unlawful acts of Law Enforcement Agencies and employees of such agencies and to investigate where the commission of such act is suspected or if any party submits a complaint that such an act has or is being committed;
 - (b) To foster public trust and confidence in the service provided by employees of Law Enforcement Agencies whilst affording employees of Law Enforcement Agencies the necessary legal protection to carry out their duties;
 - (c) To formulate national policies for strengthening the integrity of Law Enforcement Agencies and to amend or vary such policies, and to introduce

and establish procedures, guidelines and standards for projects and plans for the state agencies to implement such policies and to advise state agencies, make submissions and give the necessary instructions to the relevant state agencies on the necessary procedures, guidelines and standards and to monitor how they are being implemented and to evaluate their effectiveness;

- (d) To formulate the procedures for investigating and scrutinizing under its own discretion, without any information or complaint being submitted by a third party, if it is suspected that a Law Enforcement Agency or an employee of such Law Enforcement Agency has committed an unlawful act and if the Commission believes or suspects that such an act has been committed;
- (d) To publish the procedures for the Commission's powers and responsibilities, the Commission's scope of work, prerequisites of membership of the Commission, the disciplinary standards for members of the Commission and the operating procedures of the Commission;
- (f) To take the necessary steps to develop rule of law, trust and confidence in the functioning of the state.

Chapter 2

National Integrity Commission

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| Establishment of the Commission | 3. Upon this Act coming into force, a "National Inquiry Commission" shall be formed to set up the procedures and guidelines for investigating cases involving Law Enforcement Agencies and the employees of Law Enforcement Agencies and for the enforcement of this Act. |
| Formation of the National Integrity Commission | 4. The President shall establish an office under the title of the "National Integrity Commission" on the day this Act comes into force, for the purpose of carrying out the National Integrity Commission's duties and responsibilities under this Act. |
| Legal Status | 5. The National Integrity Commission shall be a separate legal entity having its own common seal, with the power to sue and to be sued in its own name and with the power to take on undertakings in its own name. |

- Jurisdiction of the Act**
6. This Act shall be applicable to the following Law Enforcement Agencies and their employees.
- (1) The Maldives Customs Service established under Law No. 8/2011 (Maldives Customs Act);
 - (2) The Maldives Police Service established under Law No. 5/2008 (Police Act);
 - (3) The Maldives Correction Service established under Law No. 14/2013 (The Maldives Prisons and Parole Act);
 - (4) The Department of Immigration and Emigration.

Chapter 3

The Responsibilities and Powers of the Commission

- General Powers of the Commission**
7. The Commission shall have the power to do all things necessary in accordance with this Act and the regulations made thereunder, in order to achieve the objectives outlined in Section 2 of this Act, including the following.
- (a) To acquire, possess and use all equipment, devices and things necessary to carry out the responsibilities of the Commission;
 - (b) To establish the procedures for enforcing this Act and carrying out the responsibilities of the Commission and to establish the standards for the investigations carried out by the Commission in various cases;
 - (c) To submit a case to the Maldives Police Service or Prosecutor General's Office for them to investigate and proceed, if the Commission in its own investigation finds that criminal charges must be brought against the respondent;
 - (d) To seek technical assistance in order to assist the Commission is carrying out its responsibilities and to set up task forces in relation to cases being investigated by the Commission;

- (e) To compel witnesses to appear before the Commission and to obtain witness testimony from witnesses;
- (f) To hold hearings, if the Commission deems that hearings should be held in relation to ongoing cases;
- (g) To determine whether or not the public should be given access to a hearing or part of a hearing held by the Commission.

**Responsibilities of
Commission**

8. The responsibilities of the Commission are as described below.

- (a) Investigate unlawful acts of Law Enforcement Agencies and employees of Law Enforcement Agencies and to investigate if any party submits a complaint that an act that may be deemed unlawful has or is being committed;
- (b) Investigate, under its own discretion, without any information or complaint being submitted by a third party, if the Commission becomes aware that a Law Enforcement Agency or an employee of such agency has committed an unlawful act or if the Commission believes or suspects that such an act has been committed;
- (c) Investigate and take necessary action regarding complaints made against an officer of the Commission for acting in the commission of an unlawful act or being negligent in carrying out assigned responsibilities;
- (d) Submit relevant reports to Law Enforcement Agencies of investigations that are carried out in regard to complaints made by the Minister in charge of the Law Enforcement Agencies and in investigations initiated by the Commission on its own accord;
- (e) Refer cases to the Maldives Police Service or the Prosecutor General's Office where the Commission believes that criminal charges should be brought against the respondent;
- (f) Obtain additional information from other state agencies, which are needed for investigations carried out by the Commission and to notify state agencies in matters of their interest;

- (g)** Make recommendations to regulations or policies of Law Enforcement Agencies to prevent issues, that are investigated by the Commission, from recurring;
- (h)** Visit police stations, jails and other institutions to assess and ascertain if work done by Law Enforcement Agencies are in accordance with the relevant laws and regulations and issue directives in instances where needed;
- (i)** To develop integrity of employees of Law Enforcement Agencies and to prevent them from criminal misconduct;
- (j)** Formulate and publish policies outlining duties, responsibilities, scope of work and on integrity and functioning of the Commission;
- (k)** Form relations, seek opportunities, aid and ways to attain assistance from other countries, regional and international organizations in the work done to strengthen the work of Law Enforcement Agencies and to find ways to secure the benefits from such relations, enter into agreements and carry out all necessary activities in relation to such matters;
- (l)** To formulate, amend and revise policies to strengthen the work of Law Enforcement Agencies, at a national level and to introduce and conduct plans, projects and policies designed to implement the national level policies at the state agencies and to advise and instruct state agencies on the steps, policies and standards to be introduced in those agencies, and to monitor the compliance and to evaluate their effectiveness;
- (m)** Conduct seminars, discussions and other programs to educate and create awareness among the employees of Law Enforcement Agencies and conduct and publish research on the methods used by the employees of the Law Enforcement Agencies in their conduct of unlawful activities and the reason for such activities.
- (n)** Publish, to the general public, an annual report comprising of the work done by the Commission, once a year.

Chapter 4

Members of the Commission

- Number of Members** 9. The Commission shall comprise of 5 (five) members.
- Prerequisites of Members** 10. A person appointed as a member of the Commission shall fulfil the following prerequisites.
- (a) Be a Muslim;
 - (b) Be a citizen of the Maldives;
 - (c) Be of sound mind;
 - (d) Be of the age of 30 (thirty) years;
 - (e) Be a person that has not been convicted, in a court of law, for an offence for which *hadd* is prescribed in Islam, or the offence of fraud or bribery, within the last 5 (five) years;
 - (f) Have a first degree with a minimum work experience of 7 (seven) years;
 - (g) Have the necessary competence to discharge the duties and the responsibilities of the Commission;
 - (h) Must not be a person holding any post, appointed or elected under the Constitution of the Maldives or a legislation;
 - (i) Must not be the husband, wife, child, father or mother of a person employed in a Law Enforcement Agency;
 - (j) Must not be a member of a political party;
 - (k) Must not hold any other office or employment.
- Appointment of Members** 11. (a) Members shall be appointed as per Subsection (b) of this Section, by the President, in accordance with the advice of the *People's Majlis*.

- (b) As per Subsection (a) of this Section, advice of the *People's Majlis* shall be sought and its advice shall be given as follows:
 - (1) The President shall propose the names to the *People's Majlis* in writing, every time a member is needed to be appointed to the Commission.
 - (2) The document must include the names and curriculum vitae of the individuals proposed each time to be appointed to the Commission.
 - (3) The Speaker of the *People's Majlis* shall inform the President of the Republic, in writing, the decision of the *People's Majlis*.
- (c) Only persons who fulfil the prerequisites stipulated in Section 10 of this Act shall be appointed as members of the Commission.
- (d) As stipulated in Subsection (b) of this Section, the President shall propose names to the *People's Majlis* that is not less than the number of members that are to be appointed to the Commission at that given time. If the number of interested applicants who respond to the general notice of appointment are less than the number of vacant posts in the Commission, the President must send the names of all the applicants to the *People's Majlis*.

President of the Commission

- 12. (a) The President of the Maldives shall appoint a President of the Commission, from amongst the members of the Commission.
- (b) The President must inform the *People's Majlis* within 48 (forty eighty) hours after a decision, in accordance with this Section, has been reached.

Responsibilities of the President of the Commission

- 13. The responsibilities of the President of the Commission are stated below.
 - (a) To organize and administer the functions of the Commission;
 - (b) To assign complaints filed at the Commission to the members of the Commission in order to conduct inquiries;
 - (c) To chair meetings of the Commission.

- Vice President of the Commission**
14. (a) A Vice President of the Commission shall be appointed from amongst the members of the Commission.
- (b) A Vice President of the Commission shall be elected from amongst the members of the Commission by way of secret ballot. The Commission shall inform the *People's Majlis* and the President of the Maldives within 48 (forty eight) hours after they have reached a decision.
- Responsibilities of the Vice President of the Commission**
15. Should the President of the Commission be unable to perform his duties, or declines to perform his role as President, or in the event that the position of the President becomes vacant, the Vice President of the Commission shall carry out the President's respective responsibilities temporarily. Furthermore, the Vice President of the Commission shall assist the President of the Commission in administering the Commission.
- Responsibilities of the Members of the Commission**
16. (a) The responsibilities of the Members of the Commission are stated below.
- (1) To attend the meetings of the Commission without reasonable justification;
 - (2) To carry out the responsibilities assigned by the Commission except where there is reasonable justification;
 - (3) To conduct the investigations carried out by the Commission;
 - (4) To comply with and respect all laws of the Maldives and to abide by their respective official duties in accordance with those laws;
 - (5) To conduct oneself in an inquiry or investigation with all personal agendas aside and to carry out one's duties with fairness, diligence and good intentions to reach a conclusion based solely on the evidence before them.
 - (6) To communicate with other persons and those persons accused of an offence with respect when on official duty;

- (7) To not act in bad faith or in a manner that may cause harm towards a person who has submitted a complaint to the Commission;
- (8) To not use one's power and discretion in bad faith so as to cause harm to any person and to exercise one's statutory discretion in the correct form and manner whilst ensuring that other people's rights, duties and the interests of the Act are respected;
- (9) To provide an independent, just and fair service to the Commission and to carry out the responsibilities assigned by the Commission without any undue influence and in accordance with the Laws of the Maldives;
- (10) To ensure that the most fundamental factor when appointing and selecting persons to work for the Commission is to see that they are suitable and possess the requisite educational qualifications, and when issuing jobs and promotions to consider their educational qualifications, behavior and work performance.

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| Tenure of Members | <p>17. (a) The tenure of a member of the Commission shall be 5 (five) years from the date of appointment.</p> <p>(b) Members appointed under this Act may not hold their post for more than 2 (two) terms of 5 (five) years, consecutively or otherwise.</p> |
| Remuneration | <p>18. (a) The <i>People's Majlis</i> shall determine the remuneration and other benefits offered to the members of the Commission.</p> <p>(b) Remuneration and other benefits offered to the members of the Commission shall not be reduced, during the Tenure of office, except as stipulated in an Act;</p> <p>(c) Remuneration and other benefits offered to the employees of the Commission shall be allocated by the Commission in accordance with the advice of the Ministry of Finance and Treasury.</p> |

- Vacancy of Post**
- 19.** In the event of the occurrence of any of the following situations, the post of the member shall become vacant.
- (a)** Resignation in accordance with this Act;
 - (b)** End of Tenure;
 - (c)** Dismissal of a member in accordance with this Act;
 - (d)** Running for a political post under the Constitution or any Law;
 - (e)** A deficiency in the requisite characteristics of a member as required under this Act.
- Appointments to Vacant Posts**
- 20. (a)** Advice must be sought from the *People's Majlis* in accordance with section 11 of this Act, 15 (Fifteen) days prior the vacancy of a post under the circumstance stipulated in Section 19 (b) of this Act.
- (b)** Upon the vacancy of a Presidential, Vice Presidential or member post under the circumstances stipulated in Sections 19 (a), (c), (d) and (e), that post shall be filled within 60 (sixty) days from the date of vacancy.
- Resignation**
- 21. (a)** Should a member of the Commission wish to resign, his post shall be deemed vacant from the date the member tenders his resignation in writing to the President of the Maldives and the President receives the member's resignation letter.
- (b)** If the President or Vice President of the Commission tenders their resignation from the post of Presidency or Vice Presidency of the Commission, in accordance with Subsection (a) of this Section, it shall not be deemed as resignation as member of the Commission.
- Removal of Members**
- 22.** The President of the Maldives has the authority to remove any member of the Commission under the following circumstances:
- (a)** If the member is declared insolvent by a court of law;

- (b) Where a member fails to satisfy a prerequisite of membership stipulated under this Act;
- (c) If the member is found guilty of a criminal offence.

Chapter 5

Employees of the Commission and Technical Consultants

Employees of the Commission and Consultants

23. (a) The Government shall facilitate in the provision of employees and resources required for the Commission to perform its functions.
- (b) In order to administer the Commission and to ensure that the functions of the Commission are carried out smoothly and efficiently and to achieve the purposes of the Act, the Commission shall have the power to hire employees and additional officers, to train them, promote them and to dismiss them, provided that the annual budget allocated for the Commission by the *People's Majlis* is not violated.
- (c) Any number of technical staff at the discretion of the Commission can be hired as legal officers or attorneys to assist the Commission in carrying out their functions.
- (d) Where an employee of an officer of the Commission has a direct or indirect conflict of interest with a person under investigation, this shall be declared to the Commission and there shall be no engagement with such a person in the capacity of an employee of the Commission.
- (e) The Commission shall have the power to formulate regulations governing the employees and officers of the Commission.

Consultants

24. (a) The Commission may appoint former employees of Law Enforcement Agencies and those employees who have been retired from such agencies as consultants to provide technical advice to the Commission. The process to

hire such consultants shall be included in the regulation to be formulated by the Commission.

- (b) Consultants hired pursuant to Subsection (a) of this Section shall not have a direct or indirect relationship with a person currently under investigation or who has submitted a complaint to the Commission.

Chapter 6

Committees

Complaints Committee 25. (a) The Commission has the authority to establish a Complaints Committee comprising any number of persons, as determined by the Commission, in order to achieve the purposes set out in Section 2 of this Act.

- (b) The functions of the complaints committee shall include the following:
 - (1) establish a framework to administrate cases and complaints submitted to the Commission;
 - (2) determining the type of cases submitted;
 - (3) conducting preliminary investigations in order to ascertain the type of cases as per Section 34 of the Act;
 - (4) inform the complainant of the measures taken in respect of the case submitted.

Task Force 26. The Commission has the authority to establish any number of task forces in order to ensure the functions of the Commission are carried out smoothly and efficiently.

- (a) Officers and consultants of the Commission can be appointed as members of the task force.
- (b) The types of cases and the responsibilities of the task force appointed by the Commission to investigate the cases shall be described in the regulation formulated under this Act.

Other Committees

27. The Commission has the power to establish any number of committees in order to carry out the responsibilities of the Commission under this Act.

Chapter 7

Powers of the Commission

**Powers of the
Commission**

28. The Commission can exercise the following powers in performing its functions.
- (a) Possess and use all supplies, resources and materials required to perform the obligations of the Commission;
 - (b) Formulate the procedures to be used by the Commission when investigating cases and formulate policies to be used in performing the obligations of the Commission and in implementing the Act;
 - (c) Refer cases to the Maldives Police Service or the Prosecutor General's Office where the Commission believes that criminal charges should be brought against the respondent;
 - (d) Establish task forces and seek technical assistance from experts in the relevant fields in order to perform the obligations of the Commission;
 - (e) Investigate complaints submitted to the Commission, and take administrative measures if so determined subsequent to investigations undertaken.

Chapter 8

Submission of Cases

**Submitting Cases to
the Commission**

29. Any person may file a complaint or a case against a Law Enforcement Agency stipulated in Section 6 of this Act or in relation to an employee or employees of such Agency.

30. (a) Under this Act, the Commission can investigate the following types of cases.
- (1) an unlawful act by an employee of a Law Enforcement Agency;
 - (2) where any act or omission of any employee of a Law Enforcement Agency is deemed by the Commission to be unjust or discriminatory;
 - (3) where an employee of a Law Enforcement Agency commits a breach of a policy they are required to adhere to;
 - (4) an allegation of having committed a criminal offence is made.
- (b) The Commission shall have the power to investigate cases stipulated in Subsection (a) of this Section, even in the following circumstances.
- (1) where it is deemed that an employee of a Law Enforcement Agency participated in the act, even if the act was not committed personally by that employee;
 - (2) where the act was committed by an employee of a Law Enforcement Agency outside his official work hours.

Information That Must Be Completed

31. When submitting a case or complaint under Section 29 of this Act, the following information must be completed.
- (a) All details of the complainant;
 - (b) All details of the respondent;
 - (c) The act or omission of the respondent and the loss suffered by the complainant due to the act or omission;
 - (d) If the actual person who suffered the loss is a person other than the complainant, all details of the person who suffered the loss and the relationship between the him and complainant;
 - (e) Details of persons present at the time of the commission of the act;

- (f) All photos, documents and any such item related to the event.
- Incomplete Information** 32. (a) Notwithstanding Section 31 of this Act, the Commission shall not decide not to investigate a matter solely on the basis of incomplete information.
- (b) The Complaints Commission shall have the discretion to return a complaint, to be re-submitted after completion, where the information submitted under Section 31 does not contain sufficient evidence to warrant and investigation.
- Registration of Cases** 33. (a) Upon the submission of a case, the complaints committee must, after assessing all available evidence, and upon considering the following, make a determination on registering the case with them.
- (1) whether the case falls within the areas stipulated under Section 30 of this Act;
- (2) whether the case falls within the mandate stipulated under Section 59 of this Act;
- (3) the case is not based on sufficient grounds;
- (4) the difficulties in investigating the matter because of the time elapsed since the issue originated;
- (5) The complainant had better avenues for resolving the matter without the involvement of the Commission;
- (6) It is a case on which a court of law has already decided upon or is currently ongoing in a court of law.
- (b) When a complainant submits a case under Section 29 of this Act and having recorded all the information the complainant has to submit, if it is decided to be registered, the complainant must be issued with a written acknowledgement.

- (c) After considering the stipulations provided in Section 35 (d), if the case is one over which the Commission has no jurisdiction over, the complainant must be informed in writing with reasons.

**Preliminary
Investigation**

34. The Commission may conduct an initial investigation in a case submitted to it in order to gather additional information on either of the following.

- (a) Type of the case;
- (b) Whether the case requires a thorough investigation by the Commission or not.

**Findings of the
Complaints Committee**

35. (a) Having conducted a preliminary investigation, as stipulated in Section 34 of this Act, if the Complaints Committee finds that the case concerns a disciplinary issue and if the Complaints Committee finds it more appropriate for the disciplinary committee of the appropriate agency which is assigned to take disciplinary action against the complainant to look into the matter, the Complaints Committee may submit a detailed investigative report on its findings to the Commission.

(b) If the Complaints Committee finds that a case submitted to the Commission needs to be investigated under Act No. 2/2002 (Prevention and Prohibition of Corruption Act) the Complaints Committee may submit the findings in an investigative report to the Commission.

(c) Following the preliminary investigation on a case submitted to Commission, if the Complaints Committee finds that the matter needs a thorough investigation by the Commission, the Complaints Committee may submit the findings in an investigative report to the Commission.

(d) Following the preliminary investigation on a case submitted to it, if the Complaints Committee having referred to the factors state below, finds the case not admissible to the Commission, the Complaints Committee may submit the findings in an investigative report to the Commission.

- (1) the case falls within an area stipulated in Section 30 of this Act;

- (2) the case is not within the jurisdiction of the Commission as stipulated in Section 59 of this Act;
- (3) the case is not based on sufficient grounds;
- (4) the difficulties in investigating the matter because of the time elapsed since the issue originated;
- (5) The complainant had better avenues for resolving the matter without the involvement of the Commission;
- (6) It is a case on which a court of law has already decided upon or is currently ongoing in a court of law.

**Actions by the
Commission
Pursuant to
Investigation of the
Complaints
Committee**

36. (a) As stipulated in Section 35 of this Act, the Commission shall, on the basis of the investigative reports submitted to it by the Complaints Committee, decide on the matter in any one of the following ways.

- (1) Refer the case to the disciplinary committee of the organization in which the employee works, where the Commission finds that, upon review of the report of the Complaints Commission, the case concerns a disciplinary issue, as stipulated in the report of the Complaints Commission under Subsection 35 (a) and if it finds no need for a further investigation in the matter.
- (2) Refer the matter to Anti-Corruption Commission, where the Commission finds, upon review of the report of the Complaints Commission, that the case falls within Act No. 2/2002 (Prevention and Prohibition of Corruption Act), under Subsection 35 (b).
- (3) The Commission shall inform the following parties, where the Commission finds, upon review of the report of the Complaints

Commission, that the case needs further investigation by the Commission.

- (i) If the case concerns a disciplinary matter, the disciplinary committee responsible to review such matters;
- (ii) If the case concerns a criminal matter, Maldives Police Service and the Prosecutor General's Office.

- (4) The Commission shall have the discretion to return the case, where the Commission finds, upon review of the report of the Complaints Commission, the case to be outside the jurisdiction of the Commission, under Subsection 35(d).
- (5) The Commission has the power to assign the case to a Task Force for further investigation if the Commission finds that the report by Complaints Commission under Section 35 is incomplete.
- (6) The Task Force shall complete its investigation and submit the investigative report to the Commission within 14 (fourteen) days of assignment of the case to the Task Force, where the case was assigned to the Task Force under Subsubsection 5 of this Section.

(b) Any cases assigned either to a disciplinary committee under Subsection (a)(1) of this Section or to the Anti-Corruption Commission under Subsection (a)(2) of this Section of this Act shall complete its investigation and submit their decision to the Commission within 30 (thirteen) days of assignment of the case.

(c) The Commission shall furnish the complainant with a written decision, with reasons, on all cases submitted to the Commission.

Investigation by the Commission on its own accord

37. Notwithstanding Section 31 of this Act, in the instance where the Commission receives information about a complaint regarding a Law Enforcement Agency or an employee of a Law Enforcement Agency, the Commission has the power to initiate and investigation on its own accord, where, in the opinion of the Commission, investigation of such a case is a matter of public interest.

Power to investigate

38. (a) For the purposes of this Act the Commission shall have the following powers.

- (1)** To obtain witness statements in accordance with the procedures followed by the Courts of Law, through consent or under oath, and in written or oral form;
- (2)** The Commission may require any person residing in the Maldives, to attend a meeting with the Commission or a hearing, to give witness statements regarding a document or any relevant material in his possession;
- (3)** Summon persons related to an ongoing investigation to the Commission and obtain their statements;
- (4)** Go to premises of any government authority or any other relevant premise and examine, make copies or take with them to the Commission, relevant documents and other items related to an ongoing investigation of the Commission, where necessary;
- (5)** To obtain specific information in instances where the Commission have reason to believe a party is capable of assisting the Commission in an ongoing investigation on particular area;
- (6)** To require relevant government authorities to submit the requested information or a report within a period granted by the Commission.

Right to be heard

39. The respondent is entitled to the right to be heard in a matter investigated by the Commission either personally or through legal counsel and to submit to the Commission the respondent's account of the matter or the respondent's actions in relation to the matter.

Chapter 9

Hearings and Summons

- Hearings**
40. (a) If it is deemed as necessary or important, the Commission may hold a hearing, regarding a case that is being investigated by the Commission.
- (b) Hearings of the Commission shall be held by a panel comprising of an odd number of members appointed by the President of the Commission. The process of appointment of members to the panel, the dates and times of the hearing shall be specified in the Regulation made under to this Act.
- Open and closed hearings**
41. (a) All hearings conducted by the Commission shall be carried out open to the public.
- (b) Notwithstanding the Section 41(a) of this Act, the panel of members presiding over the case has the discretion to conduct a closed hearing or consider a part of the hearing as closed from the public, if the information or documents disclosed in the hearing or part of the hearing are confidential in nature.
- (c) In deciding such matters the Commission shall take the public interest into consideration.
- Summon to attend the Commission**
42. The Commission has the discretion to summon any witnesses, respondents or any other relevant persons, in accordance with this Section of this Act. Such Summon shall contain the following information.
- (a) Name, permanent address and the present address of the person who is required to attend;
- (b) The venue, date and time of attendance;
- (c) The reason for attendance;
- (d) Other information that the Commission deems necessary to include in the summons.

- (e) Matters of importance to the attendee must be published on the other side of the summons.

**Delivery of the
Summon**

- 43. (a) A summon shall be deemed to have been received upon delivery of the summons personally to the person being summoned. The original and the copy of the Summon must be signed by the delivery person and the person being summoned. It shall be deemed received if the person being summoned refuses to sign the summons. Where the summons is not deliverable to the person being summoned, the summons shall be deemed delivered if the summon is delivered to a person of age at the place of residence of the person being summoned.
- (b) Where the person being summoned is a person who lives or works on board a sea going vessel, and the summon cannot be delivered according to the Subsection (a), the summon shall be deemed delivered if the summon is displayed at place which is normally accessible by the persons living or working on that vessel.
- (c) Where the person being summoned is an employee of any government agency, the summons shall be deemed delivered if delivered in accordance with Subsection (a) of this Section, or if delivered to his office.
- (d) Where the summons has been delivered in accordance with this Section, and the person being summoned denies the delivery of the summon, the witness of the person who delivered the summon will be sufficient evidence of delivery.

**The person delivering
the summon**

- 44. (a) The delivery of the summons should be carried out by the employees of the Commission. However, the summons may be delivered through registered post or any other person in the instances where the Commission deems fit.
- (b) If in the summon is delivered by post in accordance to the Subsection (a), the slip of receipt which is signed at such person's dwelling house, submitted to the Commission by the Post Office, shall be sufficient evidence of delivery of the summon.

**Attending the
Commission**

- (c) If the summon is served on a company or an association, the slip of receipt which is signed at such company or associations registered address submitted to the Commission by the Post Office, shall be sufficient evidence of delivery of the Summon.
- 45. (a) Any person who receives summons to appear before the Commission shall do so on the stated date and time.
- (b) If a person fails to appear before the Commission at the stated time or refuses to accept the summons apart from where there is reasonable justification, he/she shall be deemed to have disobeyed and the Commission shall be entitled to take action towards them. If the person who failed to appear before the Commission or refused to accept the summons order is the defendant, the Commission shall have the discretionary authority to hold him/her in detention in order to bring him/her before the Commission.
- (c) If the person has received the summons and is unable to appear before the Commission with reasonable justification he/her reason must be informed to the Commission 1 (one) hour before the stated time in the summons. The following shall be regarded as clear acceptable reasons.

 - (1) If they are suffering from an illness that hinders them from appearing before the Commission;
 - (2) If bad weather conditions hinder transport on land and sea;
 - (3) If there is any other reason acceptable to the Commission.

Chapter 10

Procedure to follow upon Completion of an Investigation

- 46. The Commission shall act as follows upon completion of an investigation.

**Procedure to follow
upon Completion of an
Investigation**

- (a) If the investigation is carried out based on allegations unlawful activity by employee or group of an Law Enforcement Agency, the Commission shall give its opinion on the allegations and advise on how the Law Enforcement Agency at which the employee works should act in the matter.
- (b) If the Commission is of the opinion that criminal prosecutions should be initiated in relation to a matter or an investigation conducted by the Commission, to refer the matter to the Maldives Police Service or the Prosecutor General's Office for such purposes.
- (c) If, in relation to an investigation, the Commission is of the opinion that the procedures or regulations of an investigative agency must be amended to prevent such matters in the future, to advise the agency to amend its procedures or regulations accordingly.

**Decisions of the
Commission**

47. (a) Unless stated otherwise in this Act, recommendations made by the Commission subsequent to an investigation must be complied with. In addition, the recipient of such recommendations shall communicate in writing, to the Commission, that such recommendations have been complied with, within 30 (thirty) days of such notice.
- (b) If the Law Enforcement Agency has already taken action against an employee on the same matter investigated by the Commission, and the Commission subsequently instructs that Law Enforcement Agency to take action against an employee of that agency in accordance with Subsection (a) of this Section, there is no obligation on the Law Enforcement Agency to comply with the recommendations of the Commission.
- (c) Where the full Commission carries out an investigation but is unable to reach a unanimous decision, that matter shall be decided by a majority of the Commission.

Chapter 11

Special Procedures

- Information obtained by an investigation carried out by other institution**
48. (a) If any institution authorized by law to carry out investigations is carrying out an investigation of an employee of a Law Enforcement Agency, information relating to such investigation shall be provided to the Commission.
- (b) If the Commission believes that an institution authorized by law to carry out investigations is in possession of information required for an investigation carried out by the Commission, the Commission may request for and utilize such information.
- Investigation of a matter being reviewed by the courts**
49. If a matter related to an employee of a Law Enforcement Agency is before a court of law, then the Commission shall not investigate such matter.
- Protections afforded to members and employees**
50. A member or an employee or an officer of the Commission shall not be prosecuted for an act or omission made, in discharging the obligations of the Commission, in good faith while acting within the powers of the Commission and in accordance with the law.
- Legal duty to provide information**
51. If any party is in control of any information required for an investigation carried out under this Act that party is under a legal obligation to provide such information, as stipulated in this Act.
- Confidentiality**
52. (a) Information received by the members of the Commission in their capacity as members shall be kept confidential. Such information shall not be disclosed except to the extent permitted by law.
- (b) Information received by the employees of the Commission in their capacity as employees shall be kept confidential. Such information shall not be disclosed except to the extent permitted by law.
- Conflict of Interest**
53. Where the Commission is investigating a matter in which a member has an interest, that member shall not participate in the review of that matter or in deciding that matter. And if such interest becomes known to the Commission after the

commencement of an investigation, then that member shall forthwith inform the President of the Commission of such interest and recuse himself from the investigation immediately.

Financial Matters

54. (a) The treasury of the State shall every year provide the finance required to carry out the obligations of the Commission in accordance with the budget passed by *Peoples Majlis*. In this regard, the Commission shall prepare a budget and send the same to the Ministry of Finance and Treasury to be included in the State budget, in accordance with Act no. 3/2006 (Public Finance Act) and the regulations made thereunder.
- (b) The finances and records of the Commission shall be maintained in accordance with Act no. 3/2006 (Public Finance Act).

**Accountability to
People's Majlis**

55. If *Peoples Majlis* or a committee of *Peoples Majlis* so requests, the members shall appear before *Peoples Majlis* or the committee of *Peoples Majlis*. And the members shall honestly answer questions put to them by *Peoples Majlis* or the committee of *Peoples Majlis*.

Audit

56. The Commission shall have its finances audited by an accountant appointed by the Commission and acceptable to the Auditor General, once every year.

Annual Report

57. (a) The Commission shall every year before the 10th of February, prepare a report based on its activities and provide such report to the President's Office, *People's Majlis* and Law Enforcement Agencies.
- (b) The annual report specified in sub-section (a) of this Section shall contain the following information relating to the period of that annual report
- (1) Matters submitted to the Commission.
 - (2) Matters decided by the Commission and those decisions.
 - (3) Ongoing investigations of the matters submitted.
 - (4) Recommendations made to Law Enforcement Agencies by the Commission.

(5) The number of recommendations complied with and the number of recommendations not complied with out of those recommendations made to Law Enforcement Agencies.

(c) Within 45 (forty five) days of the provision of the report mentioned in Sub-section (a) of this section to the President's Office, *People's Majlis* and Law Enforcement Agencies, the Commission shall publish that report.

Special Report

58. In the event of special circumstances, and if the Commission is of the opinion that it is expedient to do so, it has the discretion to submit a special report to the President's Office, *People's Majlis* and Law Enforcement Agencies.

Jurisdiction

59. (a) Except for those matters already submitted to relevant governmental institutions as at the coming into force of this Act, a matter may be submitted to the Commission and the Commission may review that matter only if the underlying events of the matter occurred after this Act came into force.

(b) Even if the underlying events of the matter occurred after this Act came into force, and unless provided for otherwise in this Act, the Commission may only review a matter if no more than 2 (two) years have elapsed between the occurrence of the underlying events of that matter and the date on which the matter is submitted to the Commission.

Offences and Penalties

60. (a) If an order of the Commission made under a power granted to the Commission is not complied with, or if there is a refusal to appear before the Commission or to submit a document to the Commission, prosecution and punishment pursuant to Section 533 and/or Section 534 and/or Section 535 of Law no. 9/2014 (Penal Code), or, depending on the severity of the action, a fine of an amount between MVR 500/- (Maldivian Rufiyaa Five Hundred) and MVR 50,000/- (Maldivian Rufiyaa Fifty Thousand) may be imposed.

(b) In the instance of refusal to provide evidence requested by the Commission without reasonable justification, prosecution and punishment pursuant to Section 533 and/or Section 534 and/or Section 535 and/or Section 540 of Law no. 9/2014 (Penal Code), or, depending on the severity of the action, a

fine of an amount between MVR 500/- (Maldivian Rufiyaa Five Hundred) and MVR 50,000/- (Maldivian Rufiyaa Fifty Thousand) may be imposed.

- (c) In the instance of refusal without reasonable justification, to comply with recommendations made by the Commission pursuant to an investigation carried out by it in accordance with Section 47 (a) of this Act, a fine of an amount between MVR 500/- (Maldivian Rufiyaa Five Hundred) and MVR 50,000/- (Maldivian Rufiyaa Fifty Thousand) may be imposed.
- (d) For a breach of Section 51 of this Act, a fine of an amount between MVR 500/- (Maldivian Rufiyaa Five Hundred) and MVR 50,000/- (Maldivian Rufiyaa Fifty Thousand) may be imposed.
- (e) For a breach of Section 52 (a) or (b) of this Act, then a fine of an amount between MVR 500/- (Maldivian Rufiyaa Five Hundred) and MVR 50,000/- (Maldivian Rufiyaa Fifty Thousand) may be imposed.

Recovery of Fines

- 61. Fines made under Section 60 of this Act shall be paid to the Commission within 3 (Three) working days. If the fine is not paid, the relevant authority shall have the power to recover that money in accordance with the repossession and debt recovery procedures of the state.

Chapter Twelve

Transitional Provisions

Laws Repealed and Amended

- 62. (a) After this Act comes into force, Sections 24 to 52 of Law No. 8/2011 (Maldivian Customs Act) shall be repealed.
- (b) After this Act comes into force, Sections 17 (c) (17), Sections 18 to 51 and Section 76 (b)(3) of Law No. 5/2008 (Police Act) shall be repealed.
- (c) After this Act comes into force, the Police Integrity Commission created under Law No. 5/2008 (Police Act) and Customs Integrity Commission created under Law No. 8/2011 (Maldivian Customs Act) shall be dissolved.

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| Treatment of Employees | <p>63. (a) After this Act comes into force, the current employees of the Police Integrity Commission and the Customs Integrity Commission shall become employees of the National Integrity Commission created under Section 3 of this Act.</p> <p>(b) All employees transferred to the National Integrity Commission under subsection (a) of this Act shall not be given a position lower than the post they held in the Police or Customs Integrity Commission nor shall they be given a position with a lower salary than what they were previously entitled to.</p> |
| Unresolved Matters | <p>64. (a) Should there be any unresolved cases pending in the Police Integrity Commission or the Customs Integrity Commission, they shall be taken up by the National Integrity Commission after this Act comes into force.</p> <p>(b) Should there be any unresolved cases in which the Police Integrity Commission or the Customs Integrity Commission were involved or any unfinished communication they were party to, such cases and communications shall be taken up by the National Integrity Commission after this Act comes into force.</p> |

Chapter 13

Miscellaneous Provisions

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| Enactment and Enforcement of Regulations | <p>65. (a) Regulations in relation to the conduction and scope of investigations, the administration of the Commission, the procedures and principles to be adhered to in consideration of matters before it, the conducting of meetings and all other matters relating to the Commission shall be enacted by the Commission.</p> |
| Coming into Force of this Act | <p>(b) All regulations that need to be enacted under this Act shall be enacted and published in the Gazette of the Maldivian Government, within 3 (three) months after the coming into force of this Act.</p> |

66. This Act shall come into force 1 (one) month after it has been passed, ratified and published in the Gazette of the Maldivian Government.

Interpretation

67. Unless otherwise provided for in this Act, the following phrases and expressions shall be interpreted as follows.

(a) **“Law Enforcement Agency”** shall mean the institutions listed in Section 6 of this Act.

(b) **“Officers”** shall mean and include the employees and consultants hired to the Commission.

(c) **“Disciplinary Committee”** shall mean the institution or committee that enforces administrative action against persons working in the Law Enforcement Agencies stated in Section 6 of this Act.

(d) **“Auditor General”** shall mean the Auditor General appointed under Law No. 4/2007 (Audit Act).