



# The Malawi Experience: Asset Recovery & Compensation for Victims

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# Tackling Serious and Organised Corruption (TSOC)

- One of ICAR's mature programme –in Malawi came about as result of Cashgate – public theft of donor funded money – (2013-2014)
- From 2021 Prevention Pillar was introduced working with CSO and other non state actors & investigative journalists to demand accountability and work collaborative with LEAs
- Partnered with the key CSO in country YAS (Youth & Society) to raise awareness of the asset recovery regime, the role that CSO can play in the fight against corruption, specifically around the asset recovery regime.

# What Roles Can CSO Play In Asset Recovery?



# Awareness Raising, Research and Advocacy

- Managing frozen assets or helping with considerations related to the end use of returned assets.
- Recipients of returned assets or involved in the monitoring of their end-use.
- Assist in their enforcement efforts, whether by helping identify and investigate corruption-related offences
- Engaging with whistle-blowers and acting as a mediator between whistle-blowers and the judicial apparatus
- By initiating legal action where the legal framework permits such initiative.

# Advocacy

- Early dialogue on the potential end-use of returned assets, and potential CSO participation in either the use of returned assets or the monitoring of their use.
- Forms of advocacy include:
  - Influencing political will
  - Promoting reform in public policy
  - Strengthening government accountability with regard to asset recovery and related issues
  - Demanding stronger prevention mechanisms, including from the private sector

# The Confiscation Fund (FCA)

## The Fund

- The Fund is created under section 128 of the Financial Crimes Act 2017
- All monies from seizure, preservation and confiscations orders are paid into the Fund.
- Monies can only be taken out to use to pay administrators, trustees in bankruptcy & management of preserved and confiscated assets

## The draft Regulations

- Currently the FCA is being amended to expand the use of funds;
- TSOC has supported the drafting of the regulations that creates the framework around the operation of the fund.

## The draft Regulations

- As drafted it will allow for direct compensation for victims of crimes,
- and social reuse for 'special government programmes/projects on recommendation by the Committee to the Minister'.

# CSO intervention in Malawi

- Malawi CSOs and investigative Journalists have grasped the asset recovery agenda and are running with it, both in terms of reporting and advocacy:
- <https://www.investigative-malawi.org/1872/bribes-betrayal-and-a-7-8m-scandal-how-malawis-ex-acb-chief-got-entangled-with-sattar/>
- <https://www.investigative-malawi.org/1951/war-on-corruption-real-fight-or-political-farce/>

# Sattar investigation & prosecution

- **YAS collaborating with Spotlight on Corruption**
- <https://www.spotlightcorruption.org/letter-to-nca-victim-compensation/>
- 16<sup>th</sup> July 2024
- <https://www.spotlightcorruption.org/ngos-urge-accountability-sattar>
- [case/](#)

30th May 2025

# QUESTIONS/ COMMENTS



**THANK YOU**



**CONTACT DETAILS**



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