

SOME THOUGHTS ON EFFECTIVE STRATEGIES FOR COMBATting CORRUPTION IN THE MALAWI JUDICIARY¹

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Introduction

Corruption as a universal phenomenon can be a major impediment to achievement of the newly adopted UN Sustainable Development Goals as it was to the predecessor Millennium Development Goals.³ Corruption is a social evil permeating every aspect of human existence, with debilitating consequences. An obstacle to accessing basic services, it undermines human development. Corrosive and devastating, corruption remains the most daunting challenge to democracy, rule of law, social development, economic growth, peace and stability. It undermines respect for human rights, accountability and transparency.

The justice sector is particularly vulnerable to corruption and judicial corruption is potentially more devastating than corruption elsewhere.⁴ Combatting corruption requires a robust and independent judiciary of impeccable integrity as guardian of democracy and rule of law. Judicial integrity has overarching importance to development, security and well-being of people everywhere.⁵ Surveys and indices show that judicial corruption is present in most world judiciaries,⁶ exhibiting unimaginable experiences and perceptions. Some reports further show that where the executive engages in corruption and mismanagement of funds, the judiciary does not always have sufficient independence to act decisively against the executive.⁷ Allegations and investigations of judicial corruption in Ghana,⁸ Kenya⁹ and Swaziland¹⁰ have been widely reported.

Corruption in the Malawi judiciary is evident, as is the culture of silence in which judges

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- 4 UNODC "Anti-Corruption in the Judiciary – Concept note" APRC, 30 March 2015, available at <http://www.anti-corruption.org/attachments/article/380/Anti-Corruption%20in%20the%20judiciary%20-%20concept%20note%20APRC%2030%20March%202015.pdf> (last accessed: 3 October 2016).
- 5 Transparency International *Global Corruption Report – Corruption in Judicial Systems* (2007).
- 6 Transparency International *Global Corruption Barometer* (2013).
- 7 United Nations Economic Commission for Africa (UNECA) *Africa Governance Report II* (2009).
- 8 "Two more High Court judges sacked over corruption" *Ghana Business News* (21 April 2016) <https://www.ghanabusinessnews.com/2016/04/21/two-more-high-court-judges-sacked-over-corruption/> (last accessed: 7 October 2016).
- 9 "Kenya judge Phillip Tunoi probed over '\$2m bribe'" *BBC* (27 January 2016) <http://www.bbc.com/news/world-africa-35417897> (last accessed: 7 October 2016).
- 10 "Swaziland judiciary and government rocked by arrests" *Mail and Guardian* (21 April 2015) <http://mg.co.za/article/2015-04-21-swazilands-chief-justice-ramodibedi-locked-in-sa-residence> (last accessed: 12 December 2016).

participate in an effort to protect each other. This paper demonstrates the nature and extent of judicial corruption in Malawi. It explores key concepts, factors that promote judicial corruption, and challenges in combatting it. Concrete and practical proposals for effectively combatting judicial corruption are suggested. Investigating and decisively dealing with alleged acts of judicial corruption as recently done in Ghana is critical.¹¹ Addressing the problem of judicial corruption in a strategic and comprehensive way has the potential of increasing the justice system's overall efficiency, fairness and effectiveness. Combatting judicial corruption is a complex and long process requiring a comprehensive, integrated and sustained approach that follows a proper diagnosis and analysis of the problem. Central to all anti-corruption strategies is judicial reform.

Nature of Judicial Corruption

Judicial corruption as a global problem

The definition of corruption remains highly contested. The United Nations Convention Against Corruption (UNCAC),¹² a leading global anti-corruption instrument, does not define corruption. Where they exist, corruption definitions take into consideration each country's culture, legal system, social, economic and political levels of development. I will use the term judicial corruption when referencing corruption in the judiciary. Article 11 of the UNCAC recognises the problem of judicial corruption everywhere and provides thus:

“Bearing in mind the independence of the judiciary and its crucial role in combatting corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary.”

The wording of the article emphasises the importance of the independence of the judiciary. It recognises the need to extend the fight against corruption to the judiciary, even though measures for combatting corruption in the judiciary must not prejudice judicial independence.

Judicial corruption and perceptions of it remain widespread.¹³ Judicial corruption is diverse and complex, involving much more than judicial officers taking bribes. Gloppen explains that judicial corruption, “includes all forms of inappropriate influence that may damage the impartiality of the courts and the proper administration of justice”.¹⁴ This definition would cover corrupt acts by judicial officers, court officials, and lawyers as officers of the court, as well as prosecutors, legal aid advocates and members of the public as court users. Anyone committing some corrupt act in connection with the administration of justice in the court of law engages in judicial corruption. Judicial corruption requires a wide range of strategies in order to respond to corrupt activities among judicial officers as well as those between judicial officers and parties outside the judiciary.

11 Over 20 judges and magistrates were dismissed following a 2015 judicial corruption scandal. “Two more High Court judges sacked over corruption” *Ghana Business News* (21 April 2016) <https://www.ghanabusinessnews.com/2016/04/21/two-more-high-court-judges-sacked-over-corruption/> (last accessed: 7 October 2016).

12 General Assembly resolution 58/4 of 31 October 2003.

13 S Gloppen *Courts, Corruption and Judicial Independence* (2014).

14 *Id* section 5.1.

Gloppen notes that judicial corruption “undermines the court’s credibility as corruption fighters” and “erodes trust in the court’s impartiality”.¹⁵ It further harms “the core judicial functions” and the “broader accountability functions that the judiciary is entrusted with in a democratic system”. Judicial corruption may be at the individual or institutional level, localised or at the national level. Only a competent and corrupt-free judiciary can uphold citizens’ rights and hold the government accountable.

Levels of judicial corruption in Malawi

Governance and corruption surveys and indices rank the judiciary among top 5 most corrupt public institutions in Malawi, with the media carrying numerous negative stories about judicial corruption.¹⁶

According to a 2013 Governance and Corruption Survey,¹⁷ business owners and households in Malawi noted a perceived escalation of corruption in the judiciary:

“Among business owners, the perception that court decisions are influenced by corruption has increased from 50% in 2010 to 69% in 2013. Among ordinary citizens, the perception has similarly gone up from 60% in 2010 to 73% in 2013. Not only is the perception that corruption is a major factor in influencing court decisions higher in 2013 compared to 2010, it is also higher even when compared to the base year of 2006, when 60% of households and 60% of businesses held this view. This further underscores the perception of worsening situation with regard to corruption in the country generally and in the judicial sector in particular.”¹⁸

In a 2010 survey some businesses indicated making gratification payments to judges and sheriffs, although the 2013 survey showed that no business owners ever paid out gratification to judges, magistrates, public prosecutors, legal aid officers and court messengers.¹⁹ The 2013 survey showed sharp deterioration in overall integrity of public institutions, while noting that there is a direct correlation between levels of performance and perceived integrity.²⁰

In addition to the Governance and Corruption Surveys, the corruption in the Malawi judiciary is further evidenced by both the news and cases brought before the courts. For example, a news story in 2001 ran about a Chikwawa District Magistrate who was arrested for receiving a bribe from a businessman.²¹ Similarly, in 2011 a Chief Resident Magistrate was found guilty and convicted on three counts of corruption after he had corruptly solicited and obtained money from an accused person for promising to procure him an acquittal in a criminal trial before a fellow magistrate. Threats and intimidation were used several times as the victim resisted the demand. His appeal

15 *Id.*

16 See F Nawaz “Overview of corruption and anti-corruption in Malawi” (2012) Transparency International (the judiciary was included as one of the four problematic public institutions in Malawi in regards to corruption); “Malawi lost fight against corruption – Cama” *The Daily Times* (December 10, 2015) (“corruption has been entrenched in every sector of the society... even the ordinary members of society are aware that the top three arms of government are corrupt”, Executive Director of Consumers Association of Malawi) .

17 B Chinsinga, B Dulani, P Mvula, and J Chunga *Governance and Corruption Survey* (2013).

18 *Id.* 51.

19 *Id.*

20 B Chinsinga, B Dulani, P Mvula, and J Chunga *Governance and Corruption Survey* (2013), 30.

21 “Malawi Magistrate Arrested for Corruption” *PANA* (2 October 2001) <http://www.panapress.com/Malawi-Magistrate-arrested-for-corruption--13-572324-18-1an...> (last accessed: 11 February 2016).

against the convictions and custodial sentences was dismissed.²²

The Malawi Judiciary Strategic Plan recognises that persistent perceptions of judicial corruption and political interference in the judiciary undermine public confidence and trust, thus limiting access to justice.²³ Allegations of corruption involving judicial officers continues to increase, especially in lower courts.²⁴ At the time of writing, at least seven cases of corruption involving judicial officers were before the Judicial Service Commission for disciplinary proceedings.²⁵ Malawi's former Chief Justice, Anastasia Msosa, publicly acknowledged the serious problem of judicial corruption on several occasions.²⁶ Likewise, her successor, Chief Justice Andrew Nyirenda, described corruption as being, "visible in every sector of society".²⁷

Factors promoting corruption within Malawi judiciary

The 2008 National Anti-Corruption Strategy identifies many factors that promote corruption in Malawi. Some of the key factors identified by the report include: lack of effective supervision; outdated policies, regulations, and procedures; discretionary powers without accountability; living beyond means; poor organisational culture; greed and opportunity; decay of moral values; and lack of effective punitive sanctions.²⁸

Further, corrupt activities are rarely reported owing to a culture of silence. The wish to protect each other or fear of reprisals sometimes motivate failure to report corruption. The absence of comprehensive whistle-blower protection regimes and systems compounds the problem. Further still, undue political influence and undue influence within the hierarchy of the judiciary promote judicial corruption.

Key Concepts and Practices Relevant to Judicial Corruption

Judicial independence

The UNCAC recognises that judicial independence has a crucial role in combatting corruption.²⁹ Measures aimed at strengthening integrity and preventing opportunities for corruption among members of the judiciary must not prejudice judicial independence. Judicial independence is critical for ensuring that the rule of law is upheld; the very notion of rule of law would mean nothing

22 *Kadwa v Republic* Criminal Appeal No 38 of 2011.

23 *Malawi Judiciary Strategic Plan* (2011).

24 Interview with High Court Registrar, Chigona, in April 2016.

25 Interview with Lora, Controller, Human Resources, Malawi Judiciary, on 25 May 2016.

26 A Msosa CJ stated, "We have heard of stories of perceived corruption in the legal profession mainly from the media. It is such perceptions of corruption that will make the public lose trust and confidence in the legal profession and system" as reported by M Nkhoma "Malawi Judiciary warned of corruption: Face disciplinary action" *Nyasa Times* (2 Oct. 2014) <http://www.nyasatimes.com/malawi-judiciary-warned-of-corruption-face-disciplinary-action/> (last accessed: 11 October 2016); see also G Gondwe "Malawi's Chief Justice bemoans corruption in Judiciary" *BNL Times* (30 April 2014) <http://timesmedianw.com/malawis-chief-justice-bemoans-corruption-in-judiciary/> (last accessed: 11 October 2016) (quoting A Msosa CJ, "If I would say that there is no corruption in the Judiciary, then I would be lying because in actual fact one or two people are on interdiction because it is alleged that they received bribes").

27 "Malawi's top judge says corruption is omnipresent" *News24* (12 August 2015) <http://www.news24.com/Africa/News/Malawis-top-judge-says-corruption-omnipresent-20150812-4> (last accessed: 11 October 2016).

28 Government of Malawi *National Anti-Corruption Strategy* (2008) 4 to 5.

29 UNCAC General Assembly resolution 58/4 of 31 October 2003, article 11.

without it. Judicial independence creates an environment for impartial decision-making in cases before courts. It is not for the personal benefit of individual judicial officers, but for the proper administration of justice and the protection of society against abuse of power by officials. The pre-eminence of judicial independence therefore has a bearing on combatting judicial corruption, however, it should not be used as a shield against the investigation of judicial corruption. Courts have a duty to ensure that there is no risk to justice manifestly being done.

Judicial accountability

Accountability of public institutions is a constitutional requirement under our democratic dispensation.³⁰ The Malawi judiciary must be accountable. Judicial accountability is not a contradiction to judicial independence. These two concepts are different sides of the same coin, playing a complementary role to each other. Judicial accountability tempers judicial independence: it helps to eliminate opportunities for judicial corruption.

Judicial transparency

Transparency as a tenet of democratic governance is also provided for under the Malawi Constitution.³¹ Judicial transparency entails exposing to public scrutiny the operations of the judicial system. It generally requires public hearings and judicial decisions that are backed by reasons. Hearings in camera are an exception in circumstances specified by law. Lack of judicial transparency can create opportunities for judicial corruption and erode public trust.

Judicial integrity

Judicial integrity ensures public trust and confidence in the administration of justice and is a necessary condition for a fair trial. A positive self-image within the judiciary, built on a belief in the values of individual honesty and professional ethics is fundamental to combatting judicial corruption. This idea was stated poignantly by the Chief Justice of New Zealand, Dame Sian Elias, “[i]ndependent and upright judges cannot exist without an independent and upright legal profession... [t]he independence of the judiciary and the independence of the bar are relationships which are in counterpoise. Each assists the other in maintaining their existence.”³²

The foundation upon which a coherent and justifiable legal system must be built is on a theory of morality. In *R v Howe*³³ Lord Hailsham was able to say “[t]his brings me back to the question of principle. I begin by affirming that, while there can never be a direct correspondence between law and morality, an attempt to divorce the two entirely is and has always proved to be, doomed to failure.”³⁴

30 Constitution of Malawi, 1994, section 12(iii).

31 *Id.*

32 Address to 50th Anniversary of the Fiji Law Society, held in Sigatoka, Fiji, on 26th-29th May, 2006. She emphasised that interactions between bench and legal profession would foster common ethical culture, vital for proper administration of justice. Erosion of the shared ethical culture should be of concern because the standards and expectations by which the legal system operates with integrity are not matters that can be prescribed by rules alone.

33 [1987] 1 AC 417.

34 *Id* 428; see also *Airedale NHS Trust v Bland* [1993] AC 789 at 877 (Lord Lowry, “[i]t is important... that society’s notions of what is the law and what is right should coincide”).

It is therefore critical that the judiciary be concerned about issues of high integrity, morality and good professional relationships at all times for the proper discharge of its functions.

Undue political influence

Within the judiciary, undue political influence is that influence which undermines judicial independence and impartiality in the decision-making process of the courts. A judge's political bias and people's perceptions of bias undermine the role of the judiciary under our constitutional order. Political influence is particularly manifested when the political stakes are high such as in matters of electoral fraud and electoral petitions.³⁵ It can be quite damaging for the courts' political accountability. Undue political influence may come in the form of bribes, threats, violence or even through promises of preferential treatment in the event of a biased and favourable outcome of the case for the promising party. It may also come through the relationship between the judiciary and other arms of government. A legal culture where judges are expected to defer to political authorities may breed judicial corruption.

Undue influence within judicial hierarchy

Undue influence within the judiciary hierarchy may be direct and clear or may take a subtle form. Superiors may pressure lower level judges to make judicial decisions in a certain way. It may also come through subtle incentives based on a judge's anticipation that deciding an important case in a particular way may have consequences on the judge's career. Selective allocation of cases to judges who are expected to decide in a particular manner regardless of the position of the law can be an entry point for judicial corruption. In 2011, a judge friend of mine shared with me an experience where he had been confronted by some senior colleagues for having handled a certain court matter in a particular way. This strange behaviour suggests that personal interactions within the judicial hierarchy could also influence the decision of a judge in a given case.

Challenges in Combatting Judicial Corruption

Denial of the existence of corruption in the judiciary has been the first obstacle to combatting judicial corruption. Sometimes nothing has been done about it on the pretext that judicial corruption is merely a perception based on ill-informed ignorance. Meanwhile, the corrosive effects of judicial corruption continue to take a toll on the judiciary and society. Ignoring perceptions of judicial corruption has come at a great social cost and has infringed on the delivery of justice.

Vigorously and publicly pursuing allegations of judicial corruption sometimes seems to come at the cost of compromising judicial independence. Charges or allegations of judicial corruption can jeopardise the independence of the judiciary, especially where the real motive in the anti-corruption measures is to get rid of bothersome judicial officers.³⁶ The United Nations was well aware of this dilemma and hence the wording of article 11 of the UNCAC.

35 S Gloppen, R Gargarella and E Skaar *Democratisation and the Judiciary: The Accountability Functions of Courts in New Democracies* (2004).

36 As in the attempted impeachment of three Malawian judges in 2001. MCC Mkwandawire "Combatting Judicial Corruption" (2002) MCC, 28 *Commw. L. Bull.* 593-597. <http://thomasgguo.world.edoors.com/CoXgeynsUDqc> (last accessed: 12 October 2016).

There would be reluctance on the part of the judiciary to investigate one of their own against whom there is an allegation of corruption, while at the same time investigators from outside the judiciary would not always be welcome. It must be accepted that the judiciary may be ill-equipped to carry out an investigation of an alleged judicial corruption, especially when such an allegation should involve a complex and specialised investigation.

There is also the challenge that some allegations of judicial corruption are trumpeted without any scintilla of evidence. Such allegations are only meant to subdue the judiciary and impair its impartial administration of justice. The real challenge sometimes is to isolate allegations that have some substance from those allegations that are without substance. Yet the solution can never be to ignore the allegations completely. Rather, all allegations ought to be thoroughly investigated.

Strategies for Combatting Judicial Corruption

The problem of judicial corruption must be addressed in a strategic and comprehensive manner. Anti-corruption measures in the judiciary can potentially increase the justice system's overall efficiency, fairness and effectiveness. Below are some strategies that may be effective in combatting judicial corruption in Malawi.

Diagnosis and analysis of the problem

The starting point for combatting judicial corruption effectively is to conduct a thorough diagnosis and analysis of the problem and the environment in which the judiciary operates. This will reveal the exact nature and extent of the problem of judicial corruption in Malawi. The legal, political, social, economic and cultural context in which the judiciary operates must be taken into account in designing responses to judicial corruption.

Promote judicial accountability and transparency

Judicial accountability and transparency are part of the tenets for democracy as provided for under the Constitution of the Republic of Malawi.³⁷ All institutions of government must be accountable and transparent in the manner they carry out public functions. Judicial accountability and transparency must be done without compromising judicial independence. Introducing systems of anonymous reporting and suggestion boxes at strategic points, coupled with a comprehensive regime of whistle-blower and witness protection, would encourage stakeholders, especially the public, to report judicial corruption.

Judicial integrity system reinforced

Addressing judicial corruption requires that attention be given to the broader context of corruption in the entire justice system, including the society as a whole. Strategies for combatting judicial corruption must necessarily be linked to the National Anti-Corruption Strategy. The entire judicial system must adhere to high standards of independence, impartiality, integrity, accountability and transparency in order to minimise the opportunities for corruption, while exercising vigilance

37 Constitution of Malawi, 1994, section 12(iii).

against risks of corruption. The Malawi judiciary's Judicial Integrity Committee, chaired by a High Court judge, has a critical role in the development of a robust judicial integrity system by, among other things, advocating for attitudes intolerant to corruption.

Improved case management system

A case management system that functions well is an important tool for eliminating opportunities for judicial corruption. Judicial reforms that incorporate technology and simplification of court rules of procedure form an important aspect of combatting judicial corruption. Improved case management systems will ensure that accurate court data is collected and safely kept. This has the potential of reducing judge shopping and missing of court records. Improved systems of internal controls and adherence to high standards management will ensure that opportunities for corruption are reduced. The assignment of cases remains an internal matter of the judiciary, not dictated by outsiders. A random allocation of cases ought to be encouraged to ensure equitable distribution of workload and to avoid assigning cases to particular judicial officers in anticipation of particular results. Current efforts to automate the case management system in the Malawi judiciary ought to be accelerated.

Performance management systems in place

Performance of staff in the judiciary needs to be systematically measured, with performance appraisals being done on a regular basis. Setting up systems that ensure objective performance standards and measurement is important for, not only rewarding good performers and helping below-standard performers improve, but also for combatting judicial corruption. Knowledge of the existence of such a system is likely to encourage officials to refrain from corrupt activities.

Promote professionalism and ethical behaviour

Vigorous ethical and disciplinary programmes are critical for combatting judicial corruption. The Bangalore Principles of Judicial Conduct³⁸ serve as an international reference point for countries. Malawi's code of conduct for judicial officers is hardly enforced. A client service charter for the judiciary once adopted would help to improve judicial services and help stakeholders assess the performance of the judiciary.

Financial independence

Financial independence of the judiciary entails adequate financing and freeing the judiciary budget from outside control. This does not suggest that the judiciary should be immune from accountability for the public resources made available to it, or that the judiciary should be free from the constitutionally established system of checks and balances. Judiciary expenditure shall remain subject to the laws and procedures applicable in public finance management, including public auditing of judiciary accounts. It has been observed that:

“Control over the purse strings gives many governments a stronghold – if not a stranglehold – over courts, by enabling them to strategically regulate not only the judges' salaries and benefits, but also

38 ECOSOC 2006/23.

the running costs of the judiciary. This may lead to (perceptions of) bias, as illustrated in Zambia and Malawi, where the timing of hikes in judges' salaries and benefits repeatedly coincided with pending court cases involving high stakes for the executive, most notably presidential election petitions³⁹.

Adequately financing the judiciary and eliminating undue influence on judicial budgets and administration is an important aspect of the judiciary's anti-corruption strategies.

Improving judiciary terms and conditions of service

According to Malawi's Governance and Corruption Survey 2013, low salaries of public officials also fuels corruption in the public service. Any interventions to fight public sector corruption should pay particular attention to issues of salaries. Judicial officers should have reasonable and secured terms and conditions of service. Improved conditions of service must necessarily be accompanied by attitude change on the part of judicial officers. Improved terms and conditions of service are a critical aspect of judicial independence and the preservation of the rule of law. There ought to be some honourable way of determining benefits for the judiciary without the perennial controversies that the current procedures attract.

Meritorious judicial appointments that follow comprehensive integrity check

The law requires that only fit and proper persons be appointed to a judicial position.⁴⁰ Transparent and meritorious selection of judicial officers is a necessity so that only candidates most suited for the job get appointed. Political influence on judicial selection and the determination of terms and conditions of service must be eliminated. Reforming the composition and the procedures of the Judicial Service Commission would significantly aid the fight against judicial corruption.

Investigate and decisively deal with alleged acts of judicial corruption

Allegations of judicial corruption must be investigated. Initial inquiries should be done internally for purposes of preserving judicial independence. Any allegation found to be without substance will not be pursued. However, where preliminary inquiries into an allegation of judicial corruption reveal some substance, such an allegation must be investigated in full by appropriate law enforcement agencies and punishment should follow for any proven act of judicial corruption. The judicial system must respond decisively whenever corruption is detected. Decisively disciplining and dismissing corrupt judicial officers, as was recently done in Ghana, is an important intervention for effectively combatting judicial corruption.

Integrate judiciary anti-corruption measures

Anti-corruption interventions in the Malawi Judiciary can work more effectively if they are integrated with efforts applicable elsewhere under the National Anti-Corruption Strategy framework, more particularly because of the complex nature of judicial corruption.

39 S Gloppen Courts, *Corruption and Judicial Independence* (2014), section 5.1.2.

40 See Cap 3:02 of the Laws of Malawi, section 34(a) "the court of a Resident Magistrate shall consist of a fit and proper person appointed by the President to be a Resident Magistrate".

Training

Judicial skills and competences enable the judicial officers to resist undue and improper influence of whatever form, and from whatever source, which is intended to pervert the course of justice. The resilience of the judicial officers must be enhanced by strengthening their skills and competencies. Training also helps in building judicial officers' attitudes against corruption.

Monitoring and evaluation of anti-corruption interventions

Public access to information and stakeholder monitoring and evaluation of anti-corruption intervention help in combatting judicial corruption as part of accountability. Further, the effectiveness of any anti-corruption strategies should be measured. Lessons learnt would be utilised in formulating better strategies, or improving existing ones, for combatting judicial corruption.

Conclusion

Judicial corruption is a global phenomenon that has badly dented the image of the judiciary in many countries. The problem of judicial corruption in Malawi is real, and not imaginary. The first step towards effectively combatting it is a comprehensive diagnosis and analysis of the problem for a clear understanding of the nature and extent of the problem. That will provide the necessary basis for the formulation of most appropriate and effective interventions to rid the judiciary of corruption. Combatting judicial corruption is a complex and long term process.

This paper highlighted some known facts about the existence and extent of judicial corruption in Malawi in the absence of a comprehensive diagnosis and analysis. Concepts that have a bearing on judicial corruption and challenges in combatting judicial corruption have been discussed. Some suggestions for effectively combatting judicial corruption in Malawi have been made. Reinforcement of judicial integrity, moral values, professional and ethical standards remain key to combatting judicial corruption in Malawi. There is a need to work on the attitudes of officers regarding the evils of judicial corruption so that they see it as intolerable, something that must be fought at both individual and institutional levels. Further, an integrated approach to combatting corruption in the judiciary is critical, there being many players in the justice system. Anti-corruption efforts should not be free-standing but should be integrated into coherent programmes to strengthen the capacity and effectiveness of the judiciary. A strong clean and corrupt-free judiciary can positively contribute to a successful fight against corruption.