

Law no. 92 of 2013

Regarding the approval of the Arab Anticorruption Convention

- Having reviewed the Constitution,
- The National Assembly approved, ratified, and issued the following law:

Article 1

The Arab Anticorruption Convention, signed in the City of Cairo on 15 Moharram 1432 A.H correspondent to 21 December 2010 A.D., has been approved. The texts of the convention are attached to this law.

Article 2

Ministers shall, each with its own jurisdiction, implement this Law, and it shall be published in the Official Gazette.

The Emir of Kuwait

Sabah Al-Ahmed Al-Jaber Al-Sabah

Issued in Seif Palace on 1 Jamadi Al-Aoula 1434 A.H.

Correspondent to: 31 March 2013 A.D.

Explanatory Note

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Regarding the approval of the Arab Anticorruption Convention

As Arab states aim to activate anticorruption efforts locally and internationally, facilitate international cooperation in extradition, provide mutual legal assistance, and recover property, Arab states signed the Arab Anticorruption Convention on 21 December 2010 in the city of Cairo.

Article 1 includes the definitions of the terms and expressions used in the convention. Article 2 identifies the goals of the conventions, such as to support Arab efforts in the prevention of all forms of corruption, foster integrity and transparency, and encourage the participation of individuals and civil society. Article 3 affirms that the provisions of the convention shall not violate the sovereignty of state parties. Article 4 identifies the acts and crimes of corruption. Article 5 mentions that identifying the criminal, civil or administrative liability of any legal person is dependent upon the legal system of each state party. Articles 6 and 7 refer to the domestic legal systems of State parties all matters of prosecutions, penalties, and punishments related to the acts of corruptions and the regulation of the measures for freezing, seizure, and confiscation. Article 8 requires from each state party to include in its domestic law the entitlement to compensation for any person who suffers from acts of corruption. Articles 9 and 10 identify the circumstances where the crimes stipulated in the convention are subject to the jurisdiction of state parties, as well as the means and mechanisms for the prevention of corruption.

Article 11 encourages civil society participation in anticorruption. Articles 12-15 highlight the importance of the independency of judicial and prosecution bodies, the necessity for developing procedures and mechanisms for the cancellation of contracts and privileges gained on the basis of corrupt acts, the protection of reporting persons, witnesses, experts and victims of the acts and crimes of corruption, and the compensation for the victims and sufferers of corruption crimes.

Articles 16-21 explain the means of cooperation between state parties in enhancing the effectiveness of the measures related to the enforcement of anticorruption laws and mutual legal assistance between state parties and within each state between local authorities and the private sector.

Articles 22-24 mention the role of State parties in regulating extradition and the transferring of prosecution procedures and convicted persons. Articles 25-26 highlight the importance for state parties to conclude conventions or other arrangements for the establishment of mutual investigation committees, develop measures with regards to monitoring, supervision, and investigation for the crimes referred to in the convention.

Articles 27-30 regulate the recovery of property and proceeds of corruption crimes. Further, Article 31 require state parties to implement the necessary procedures for creating and developing training programs for the relevant officials and staff in the prevention of corruption. Article 32 includes a provision which requires each state party to collect and analyze information on corruption and find the best means and measures for combatting it. As per Articles 33 and 34, a summit for Arab states has been established to enhance and support the means of cooperation in that field. The General Secretariat of the League of Arab States shall be responsible for the coordination and organization of the summit.

Article 35 mentions a number of final provisions explaining the mechanisms of the convention's ratification, date of entry into force, modification and termination. The Article also mentions that the convention is subject to the constitutional procedures of each state party.

Whereas the convention is consistent with the best interests of Kuwait, and it is not inconsistent with Kuwait's obligations in the Arab world and internationally, the Ministry of Justice has signed the convention, which was forwarded by the General Secretariat of the League of Arab States for ratification. Moreover, the Ministry of Foreign Affairs requested the preparation of the legal tools required for that purpose.

Since the convention referred to is among those included in the second paragraph of Article 70 of the Constitution, and in implementation of the aforementioned Article, the convention's approval shall be issued as per a law.

Therefore, the abovementioned law was prepared in approval of the convention.