Nazaha نزاهة

LAW NO. 2 OF 2016

Establishment of Kuwait Anti-Corruption Authority and the Provisions of Financial Disclosure



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Law No. 2 of 2016

Establishment of Kuwait Anti-Corruption Authority and the Provisions on Financial Disclosure

Law No. 2 of 2016
Establishment of Kuwait Anti-Corruption Authority
& the Provisions on Financial Disclosure

Having perused the Constitution; and;

- Decree-Law No. (3) of 1955 Concerning Kuwait Income Tax as amended;
- Law of Kuwait Chamber of Commerce and Industry of 1959;
- The Amiri Decree No. (10) of 1960 on the Law of the Civil Service Commisson as amended;
- The Amiri Decree No. (12) of 1960 on the Law regulating the Fatwa and Legislation Department of the Government of Kuwait;
- Law No. (16) of 1960 Promulgating the Penal Code as amended;
- Law No. (17) of 1960 Promulgating the Code of Procedures and Criminal Prosecution as amended;
- Law No. (21) of 1962 on the Diplomatic and Consular Corps as amended;
- Law No. (35) of 1962 Concerning Elections of the National Assembly as amended;
- Law No. (12) of 1963 Concerning the Rules of the National Assembly as amended;
- Law No. (30) of 1964 on the Establishment of the State Audit Bureau as amended;
- Law No. (37) of 1964 on Public Tenders as amended;
- Decree-Law No. (2) of 1967 on Establishment of the National Guard;
- Law No. (32) of 1967 Concerning the Army as amended;
- Law No. (23) of 1968 Concerning the System of the Police Force as amended;
- Law No. (32) of 1968 Concerning Currency, the Central Bank of Kuwait and Organization of Banking Business as amended;
- Decree-Law No. (15) of 1979 regarding the Civil Service as amended;
- Decree-Law No. (24) of 1979 on the Cooperative Societies as amended;
- Law No. (38) of 1980 Promulgating the Civil and Commercial Procedures Law as amended;
- Law No. (40) of 1980 Promulgating Law of Regulating Experts as amended;
- Law No. (36) of 1982 Concerning the Firefighters as amended;
- Decree-Law No. (23) of 1990 on Regulation of the Judiciary Law as amended;
- Law No. (1) of 1993 On the Protection of Public Funds as amended;

- Law No. (11) of 1995 Concerning Judicial Arbitration with respect to Civil and Commercial Matters as amended;
- Law No. (88) of 1995 Concerning the Trial of Ministers as amended;
- Law No. (25) of 1996 regarding the Disclosure of Commissions in connection with Government Contracts as amended;
- Law No. (53) of 2001 on the General Directorate of Investigations of the Ministry of Interior;
- Law No. (10) of 2003 on the promulgation of the Unified Customs Law for the States of Gulf Cooperation Council;
- Law No. (5) of 2005 Concerning Kuwait Municipality as amended;
- Law No. (47) of 2006 on the Approval on the United Nations Convention against Corruption;
- Law No. (10) of 2007 on the Protection of Competition as amended;
- Law No. (7) of 2010 regarding the Establishment of the Capital Markets Authority and Regulating Securities Activities as amended;
- Law No. (25) of 2012 on the promulgation of the Companies Law;
- Law No. (106) of 2013 Concerning Anti-Money Laundering and Combating the Financing of Terrorism;
- Law No. (20) of 2014 Concerning Electronic Transactions;
- Law No. (37) of 2014 Concerning the Establishment of the Communications and Information Technology Regulatory Authority as amended;
- Law No. (23) of 2015 Concerning the Establishment of Finance Controllers Body;
- Law No. (63) of 2015 Concerning Combating Cybercrime; and
- Law No. (97) of 2015 Concerning the Public Authority for Sport.

The National Assembly has approved the following law, which we have ratified and promulgated:

Part I
General Provisions

Part I

General Provisions

Article (1)

For the purposes of applying the provisions of this law, the following words and phrases shall have the meanings assigned to them, unless the context otherwise requires:

- **Authority:** Kuwait Anti-Corruption Authority.
- **Competent Minister:** The Minister of Justice.
- **President:** The President of the Authority.
- **Board:** The Board of Trustees.
- **Convention:** the United Nations Convention against Corruption.
- **Illicit Gain:** Any increase in the wealth or diminution of liabilities occurs - because of assuming an office or a capacity - to the official subject to this law, their minor children or those under their guardianship, custodianship or curatorship whenever it is disproportionate to their resources and it is unjustified.
- **Public Official:** In applying the provisions of this law, the term of public official shall include the persons set forth in Article (43) of the Law No. (31) of 1970 amending some provisions of the Penal Code No. (16) of 1960.
- **Financial Disclosure:** The cash money, real estate or movables owned by the persons subject to the provisions of this law and their minor children and those under their guardianship, custodianship or curatorship inside and outside Kuwait, including their rights and their indebtedness to third party, as well as the agencies or authorizations, which have financial effect, issued by them to third party or issued to then by third party, in addition to the usufruct rights.
- **Reporting:** It is the act of informing or reporting by a natural or a legal person of information in their possession on a crime or an attempted crime, connivance or disposal of an evidence of a crime or a serious financial violation to the Authority or any competent body designated to receive such reports.
- **Whistleblower:** The person who reports any corruption offence. This also applies to the witnesses, victims of crimes and experts who give testimony concerning criminalized acts.

Article (2)

The provisions of this Law shall apply to:

1. The Prime Minister, deputies of the Prime Minister, the Ministers and whoever holds an executive office at the ministerial rank.
2. The speaker, deputy-speaker and members of the National Assembly.
3. The president and members of the Supreme Judicial Council, president and justices of the Constitutional Court and the Technical Department of the Court, judges, members of the Public Prosecution, the president and members of the Fatwa and Legislation Department, the Director General and members of the General Administration of Investigations at the Ministry of Interior, the Legal Department of Kuwait Municipality, arbitrators, experts at the Ministry of Justice, liquidators, receivers, agents of creditors, notaries and the registrar at the Departments of Real Estate Registration & Authentication at the Ministry of Justice.
4. The Chairman and vice-chairman and members of the Municipal Council.
5. The chairman and members of boards, authorities and committees which undertake executive functions, which a law, decree or resolution is issued by the Council of Ministers on the formation thereof or appointment of their members.
6. The Chief of the Finance Controllers Body, the deputy and heads of sectors and finance controllers.
7. The Leaders are as follows: Holders of the group of leading positions in the general schedule pay scale (Senior ranked positions / Undersecretary / Assistant Undersecretary).

- Members of Boards of Directors and general managers and their deputies or assistants and secretaries-general and their deputies or assistants in the public bodies or institutions or any government agency.
- The equivalent of a leader, such as heads of departments or administrative units and their deputies or members entrusted to the public bodies and institutions.
- Directors of the departments and the equivalents, such as heads of the organizational units, which depend in the structures thereof on a lev el of management or higher.
- The provision of the above two paragraphs apply to the military personnel, diplomats and civilians in the ministries, governmental departments, public bodies and institutions and the agencies with independent or supplementary

budget whenever they undertake the responsibilities or enjoy the privileges prescribed for the office, whether they hold the office regularly or temporarily. The Authority shall, in coordination with the concerned agencies on a regular basis, define and update the holders of these offices under the provisions of this law.

8. The President, Vice-President, members of the Board of Trustees, the Secretary-General, Assistant Secretaries-General, directors and the technical staff of the Kuwait Anti-Corruption Authority.
9. The chairman, vice-chairman, deputies, directors and the technical staff of the State Audit Bureau of Kuwait.
10. Representatives of the State in the membership of the Boards of Directors of the companies in which the State or one of the governmental agencies, public bodies or institutions or other public legal entities directly contribute in a proportion not less than 25% of the capital.
11. The members of the boards of directors of the cooperative societies and sports authorities.

Part II

Kuwait Anti-Corruption Authority

Part II

Kuwait Anti-Corruption Authority

Chapter One

Objectives and Competences of the Authority

Article (3)

A public authority named “Kuwait Anti-Corruption Authority” shall be established and supervised by the Minister of Justice. The Authority shall perform its functions and competences in full independence and impartiality in accordance with the provisions of this Law.

Article (4)

• The Authority shall aim to achieve the following:

1. Establish the principle of transparency and integrity in the economic and administrative transactions to ensure the achievement of the rational management and optimal utilization of the State’s funds, resources and properties.
2. Implement the United Nations Convention against Corruption approved by the Law No. (47) of 2006 and any anti-corruption international conventions and treaties to be approved.
3. Seek to combat corruption, prevent its dangers and impacts, prosecute its perpetrators, confiscate and recover funds and proceeds resulted from the practice thereof, in accordance with the law.
4. Protect state agencies from bribery, exploitation and abuse of power in order to achieve personal benefits and prevention of mediation and nepotism.
5. Protect the whistleblowers of corruption.
6. Promote the principle of cooperation and participation with the States and the regional and international organizations in the fields of anti-corruption.
7. Promote and activate the role of the civil society institutions and organizations in combating corruption, educating members of the society of its dangers and raising awareness of means and methods of corruption prevention.

Article (5)

• The Authority shall undertake the following functions and competences:

1. Develop a comprehensive national strategy for integrity, transparency and anticorruption, drawing up mechanisms, plans and programs for its implementation, and following up its implementation with the concerned authorities.
2. Receive and study the reports, complaints and information submitted to it concerning corruption offences, and when ascertained that they constitute a suspicion of a crime, such reports shall be referred to the competent investigative body.
3. Receive financial disclosures and form committees to inspect them.
4. Protect the whistleblowers in coordination with the competent bodies.
5. Inform the competent bodies to take the necessary legal actions to terminate any contract to which the State is a party, or withdraw a concession or other engagements, if it is found out that such contracts are concluded in violation of the provisions of the laws or implemented in violation of the concluded contract, in coordination with the competent bodies.
6. Follow up actions and measures taken by the competent bodies to recover funds and proceeds resulting from the corruption offences.
7. Study the legislations and legal instruments related to anti-corruption periodically and propose the necessary amendments thereto in order to keep pace with the international conventions and treaties ratified or acceded to by Kuwait, in addition to developing the necessary measures for the prevention of corruption and updating the mechanisms and methods of combating corruption in coordination with all State's authorities.
8. Coordinate with the Ministry of Foreign Affairs with regard to cooperation with the Gulf, Arab and international states and organizations related to anticorruption and participating in the programs, which aim at preventing corruption and represent Kuwait in the regional, Arab and international conferences and forums related to anti-corruption.
9. Study and assess the reports issued by local, regional and international organizations related to anti-corruption, review Kuwait's status therein and take the appropriate action towards them.
10. Coordinate with the media in order to raise the society's awareness of the dangers of corruption, corrupt practices and their impacts and how to prevent and combat them such practices.

11. Take the necessary measures to ensure the participation of the civil society organizations in raising awareness about the dangers of corruption and the impacts thereof on the society and expand the role of society in anticorruption activities and prevention of corruption.
12. Request the competent bodies to investigate incidents of financial and administrative corruption, detect the violations and irregularities and collect evidence related thereto.
13. Develop databases and information systems and exchange of information with other agencies and organizations concerned with corruption issues inside and abroad, in accordance with the legislation in force.
14. Request the competent bodies to bring the necessary administrative and civil actions.
15. Refer the incidents involving a suspicion of a criminal offense to the competent investigative body accompanied by all documents.
16. Any other functions or competences that are consistent with the purpose of the establishment of the Authority and may be assigned thereto.

Chapter Two

Board of Trustees

Article (6)

The Authority shall be managed by a board named the (Board of Trustees) which is composed of seven persons who have experience, integrity and efficiency, including a president and a vice-president who are appointed by a decree based on the nomination by the competent minister.

Article (7)

The Member of Board of Trustees shall be:

1. A Kuwaiti national,
2. Not less than 40 years,
3. Holder of at least a university degree,
4. Known of good reputation and has never been sentenced in one of the corruption cases or in a crime involving a breach of honor or honesty,

The member shall be a full-time member of the Board of Trustees. The member loses their capacity, in accordance with the law, and their office would become vacant if they violated that provision, and they may not be re-nominated again for

the membership of the Board of Trustees. Therefore, the competent minister shall take actions to appoint a replacement member in accordance with the provisions of this Law.

Article (8)

Salaries, remunerations, allowances and benefits of the President of the Authority and the members of the Board of Trustees shall be determined by a decree based on the proposal of the competent minister and the approval of the Council of Ministers.

Article (9)

The term of office of the Board of Trustees is four years, which shall be renewable for one time.

The competent minister may, based on the proposal of the majority members of the Board of Trustees, revoke the membership of the President or the Vice-President, or any other member, if it is proven that they have seriously breached their duties after the conduction of an investigation.

If the office of the President or the Vice-President or any member of the Board of Trustees becomes vacant for any reason, a replacement shall be appointed and the new member shall complete the term of the preceding member only.

Article (10)

The Board of Trustees shall:

1. Develop the anti-corruption general policy in cooepration with the relevant authorities and draw up the necessary plans and programs for the implementation thereof.
2. Adopt the organizational structure of the offices, the internal regulation of the financial and administrative affairs and the resolutions regulating work at the Authority, without prejudice to the provisions of Articles (5 and 38) of the Decree- Law No. (15) of 1979 concerning the Civil Service.
3. Approve the agreements and contracts entered into by the Authority, which are relevant to its competences.
4. Form a committee or more that it believes to be necessary for its work.
5. Approve the Authority's draft budget and its final statement prior to submission to the competent bodies.
6. Adopt and publish the public annual report of the Authority.

7. Submit a biannual report to the National Assembly and the Council of Ministers on the activities related to the prevention of corruption and anti-corruption, obstacles, negatives and the proposed recommendations.
8. Publish all information and data on the corruption offences after a final court judgment is issued.
9. Any matter under the competence of the Authority and its objectives shall be presented by the chairman or two board members.

Article (11)

The President, Vice-President and members of the Board of Trustees shall, prior to assuming their duties, take the following oath before His Highness the Amir: (I hereby, swear by Allah Almighty to be loyal to the homeland and the Amir, to respect the Constitution and the laws of the State and shall perform my duties honestly and truthfully).

Chapter Three

The Executive Body

Article (12)

The Authority shall have an Executive Body to undertake the technical, administrative and financial matters as follows:

1. The President shall supervise the executive body and represent the Authority before the judiciary and others, without prejudice to the provisions of the Amiri Decree No. (12) of 1960 on the Law regulating the Fatwa and Legislation Department of the Government of Kuwait.
2. The Authority shall have a Secretary-General and Assistant Secretaries to be appointed by a decision of the President, and they shall be responsible before the President for the management and administration of the daily activity of the Executive Body. The internal regulations shall determine their functions and competences.
3. The Authority shall transparently select its personnel who have the experience, competence, integrity and scientific disciplines, in accordance with the standards prescribed by the internal regulations, and they shall not have any consanguinity until the second degree to the President, Vice-President or the members of the Board of Trustees.

4. The Authority may, in accomplishing its functions, ask for the assistance of judges, prosecutors, employees of the governmental agencies and others, who will be entrusted to work for the Authority, in accordance with the applicable laws andregulations in this regard.

Article (13)

The Authority shall undertake the qualification and training of its employees to enable them to perform their duties and competences with respect to combating anticorruption.

Article (14)

The President shall issue a decision to appoint the officials of the Authority who will undertake the detection of the violations and drafting of minutes in preparation for referral to the competent body.

Article (15)

The President, members of the Board of Trustees and the employees of the Authority shall not disclose any secret, information or data, which has reached to their knowledge, due to the performance of their duties in cases other than the cases herein set forth.

Article (16)

Within their term of office, the President, members of the Board of Trustees and any employee of the Authority shall not:

1. Do any business by themselves or in their capacity as agents, guardians, custodians or curators, nor authorize third party to do so.
2. Practice any office, profession or other paid or unpaid work, including holding an office or occupying a post in the government, public agency and institutions or a company, or a private business.
3. Participate in the membership of the Board of Directors or provide any direct or indirect service or consultancy to any agency.
4. Receive monetary compensation, directly or indirectly, from any agency.

Article (17)

A regulation organizing the activities of the members of the Board of Trustees of the Authority and its current and former employees shall be issued by a decision of the Council of Ministers based on the proposal of the Board of Trustees.

Chapter Four

Financial Affairs

Article (18)

The Authority shall have a budget appended to the general budget of the State, and such budget shall be prepared according to the rules and procedures governing the State's General Budget.

The fiscal year of the Authority shall start from 1 April of each year and ends on 31 March of the following year.

The Authority shall draft its budget and send it on the due date to the Ministry of Finance. In case of disagreement, or if the Ministry of Finance objects to the Authority's estimations and the Authority does not agree to such objections, the Minister of Finance shall present such objections to the Council of Ministers for its action.

Article (19)

The President of the Authority shall have the same competences conferred on the Minister of Finance concerning the use of the financial appropriations made in the Authority's budget, and the Board of Trustees may practice the same competences conferred on the Civil Service Commission with regard to regulating its work and personnel affairs.

Chapter Five

Community Participation

Article (20)

Subject to the inviolability of the privacy, honor and dignity of individuals, whoever becomes aware of the occurrence of any corruption offences shall report them to the Authority or the competent body. They shall present the information in their possession in order be studied by the Authority to ascertain the seriousness thereof and take the legal actions in this respect. In coordination with the competent bodies, the Authority shall ascertain the corruption offences stipulated by this law, whenever such offences are brought to the knowledge of the Authority by any means.

Article (21)

The Authority shall cooperate with the various entities in combating corruption,zand in particular the following:

1. Cooperation with the educational institutions and places of worship to spread the values of transparency, integrity and good citizenship.
2. Cooperation with the governmental and private institutions to develop public outreach programs related to the activity of the Authority.

Part III

Corruption Offences and Procedures of Seizure and Investigation

Part III
Corruption Offences and Procedures of Seizure and Investigation
Chapter One
Corruption Offences

Article (22)

In applying this Law, corruption offences shall include the following:

1. The offences against the public funds set forth in Law No. (1) of 1993 on the Protection of Public Funds.
2. The offences of bribery and abuse of power set forth in Law No. (31) of 1970 amending some provisions of the Penal Code No. (16) of 1960.
3. The offences set forth in Law No. (106) of 2013 Concerning Anti-Money Laundering and Combating the Financing of Terrorism.
4. Counterfeiting and forgery offences set forth in Law No. (16) of 1960 Promulgating the Penal Code.
5. The offences relating to the administration of justice set forth in Law No. (16) of 1960 Promulgating the Penal Code.
6. The offences of Illicit gain as set forth herein.
7. The offences of evasion of customs duties set forth in Law No. (10) of 2003 on the promulgation of the Unified Customs Law for the Arab States of Gulf Cooperation Council.
8. The offences of tax evasion set forth in Decree No. (3) of 1955 concerning Kuwait Income Tax.
9. The offences of impeding the work of the Authority, putting pressure upon it to hinder the performance of its duties, interfering in its competences, or refraining from providing it with the required information set forth herein.
10. The offences set forth in Law No. (10) of 2007 on Protection of Competition.
11. The offences set forth in Law No. (25) of 1996 on the Disclosure of Commissions in connection with Government Contracts.
12. Any other offences set forth in other laws, which are considered corruption offences.

Chapter Two

Procedures of Seizure and Investigation

Article (23)

The Authority shall follow up the procedures of seizure, confiscation and recovery of funds and proceeds of corruption offences in accordance with the provisions, rules and procedures stipulated in the applicable laws.

Article (24)

Without prejudice to the provisions of Law No. (32) of 1968 concerning Currency, the Central Bank of Kuwait and the Organization of Banking Business, the Authority shall, upon becoming aware of the existence of a suspicion of a corruption offence, collect information thereon, and may have, for that purpose, access to the records, papers and documents related to such offence. In addition, it may request to be provided with any relevant data, information or documents, and may decide to refer them to the competent judicial bodies.

Article (25)

Subject to the provisions of Article (28) hereof, the Authority may address and summon any person who has a relationship to a corruption offence in order to hear their testimony thereon.

Article (26)

The agencies affiliated to the public or private sectors or any natural or legal person may not do any of the following acts:

1. Refuse, without legal justification, to provide the Authority with any records, documents, papers or information that may be useful for the whistleblowing of acts of corruption.
2. Impede the work of the Authority or put pressure on it to obstruct the performance of its duties or interfere in its competences with the intention of affecting thereon.

Article (27)

Subject to the provisions of law No. (88) of 1995 Concerning the Trial of Ministers, the Public Prosecution shall have exclusive competence on the investigation, disposition and prosecution of all offences set forth herein and any other offences related thereto.

Article (28)

The rules stipulated in the applicable laws shall apply to the procedures of seizure, investigation and prosecution in the corruption offences.

If the person charged with a corruption offence was one of the persons for whom the Constitution or the Law stipulates a special legal procedure for investigation or prosecution, such procedure shall be followed in this respect.

Article (29)

The correspondence, information, documents and reports related to the corruption offences and the inspection or investigation thereof as well as the Financial Disclosure statements are considered secrets that shall be maintained. All those who are required to enforce this Law shall not disclose such statements, except in accordance with the law, and such prohibition shall remain in effect following the termination of their employment relationships.

Part IV
Financial Disclosure

Part IV
Financial Disclosure

Chapter One

Officials Subject to the Statements of Financial Disclosure

Article (30)

The categories set forth in Article (2) hereof shall file their Statements of Financial Disclosure in accordance with the provisions of this Part.

Article (31)

The executive regulations shall organize the form and data of the statement of Financial Disclosure, in addition to the method of inspecting its elements. The executive regulations shall determine the method of formation of the committees in order to inspect the Financial Disclosure Statements according to the offices and office levels of officials subject to the law. The Authority may ask for the assistance of the members of the Judiciary and Public Prosecution for the presidency and membership of the Inspection Committees, subject to the approval of the Supreme Judicial Council.

In addition, the executive regulations govern the provision of the appropriate service to the official to assist in filing the statement.

Chapter Two

Filling the Statement, its Inspection and Confidentiality

Article (32)

All officials subject to the provisions of this Part shall file their statement following the issuance of the executive regulations, according the following dates:

1. The First Statement:
   - Within six months after the date of publishing the executive regulations, if they still hold their office.
   - Within sixty days after assuming their office.
2. Statement Update: Within 60 days after the end of every 3 years, as long as the officials subject to the law remain in their office.
3. Final Statement: Within ninety days after leaving their office.

Article (33)

The Authority shall receive the Statements in accordance with the procedures prescribed by the executive regulations.

The executive regulations shall determine the rules and procedures for the receipt of the Statements filed by the employees of the Authority and the method of inspection thereof, provided that the President and members of the Board of Trustees shall file their Statements to the President of the Supreme Judiciary Council who will present them to an inspection committee composed of three judges commissioned for this regard. If a suspicion of Illicit gain is found, the committee shall refer it to the competent public prosecution for its actions.

Article (34)

In case of suspicion of an offence of illicit gain, the Authority may secretly request data, explanation and papers that it deems to be necessary from individuals, governmental or private entities inside and outside Kuwait.

The public prosecutor or their representative may, upon the request of the Authority, directly issue an order for the access and obtainment of any data or information related to accounts, deposits, safes at banks and the financial institutions, if revealing the truth is required in one of the offences set forth herein.

Article (35)

The Inspection Committees shall prepare a report on each official subject to the provisions of this part, who is likely having an increase in their Financial Disclosure resulted from illicit gain after hearing their statements. Such report shall be referred to the Authority in order to be sent to the Public Prosecution for its action. The executive regulations shall specify the time limits for the preparation and transmittal of the reports.

Article (36)

Without prejudice to the provisions of Law No. (1) of 1993 on the Protection of Public Funds, the Public Prosecution may, upon initiating the investigation, take the appropriate precautionary procedures, if it has sufficient evidence on the illicit gain. Anyone, against whom the procedure was taken, may file an appeal before the Criminal Court at the Court of First Instance within two months from the date of the issuance thereof, in order to promptly decide on the appeal, whether by dismissal, revocation or modification of the procedure and determine the necessary guarantees if required. The appeal may be refiled only after six months from the date of the decision on the appeal. The public prosecutor may revoke or modify the procedure according to the requirements of investigation.

The investigative committee of the ministers may take the precautionary procedures in accordance with the provisions of Law No. (88) of 1995 concerning the Trial of Ministers.

Part V
Protection of the Whistleblower

Part V
Protection of the Whistleblower
Chapter One
Procedures of Reporting

Article (37)

It is the duty of every person to report corruption offences, and the freedom, security and tranquility of the whistleblower is guaranteed in accordance with the provisions hereof or any other law establishing other guarantees in this regard. The whistleblower shall not be harmed in any way whatsoever for reporting such offences.

Article (38)

Reporting under the provisions of this law, requires that the whistleblower shall have serious indications to justify the belief in the veracity of the reported incident.

Article (39)

The executive regulations shall set out the procedures for the submission of the report, taking into account the ease of submission and maintaining the full confidentiality of the whistleblower's identity.

Chapter Two

Protechtion Program

Article (40)

Whistleblowers shall be afforded protection from the time they submit the report, and the protection shall extend to include their spouse, relatives and all other persons closely connected to them, when necessary.

Article (41)

Protection of the whistleblower shall include the following:

1. Providing the whistleblowers with personal protection: by not revealing their identity or whereabouts, and providing them with personal guards or a new place of residence, if circumstances so require.
2. Providing the whistleblowers with the administrative and occupational protection: by preventing any administrative action against them and guaranteeing the continuity of their employment salary, rights and benefits during the period decided by the Authority.
3. Providing the whistleblowers with the legal protection: by not bringing a criminal, civil, disciplinary case against them, when the report fulfills the conditions contained in Article (38) hereof.

The executive regulations shall determine other methods and procedures of protection and the forms thereof.

Article (42)

The executive regulations shall determine the means that the Authority may provide for the whistleblowers so that they can give their statements in a manner that ensures all their material, moral and administrative guarantees and to ensure their safety.

Article (43)

The State shall compensate whistleblowers or their heirs for any material or moral damages they may suffer from, as a result of the submission of the report upon meeting the conditions contained in Article (38) hereof. The executive regulations shall set out the material and moral incentives that may be granted to the whistleblowers and the conditions for granting them.

Part VI
Penalties

Part VI

Penalties

Article (44)

Any perpetrator initiating to report the existence of a conspiracy to commit one of the crimes set forth in Article (22) hereof to the Authority, the Public Prosecution, or the competent authorities, and whoever involved therein prior to its commission, shall be pardoned from the punishment. The court may pardon the perpetrator from penalty, if the reporting takes place following the occurrence of the crime and prior to commencing the investigation, provided that the perpetrator – during the course of the investigation – enabled the authorities to arrest the other perpetrators of the offence, seize the funds related to the crime or arrest perpetrators of another crime of similar type and severity.

Article (45)

Whoever breaches the provisions of Articles (26, 16, 15 and 29) hereof shall be punished by imprisonment for a period not more than three years and a fine of not less than two thousand and not exceeding ten thousand Dinars or by one of these penalties.

Whoever breaches the provisions of Article (20) hereof shall be punished by a fine of not less than five hundred and not more than three thousand Dinars. The provisions of this paragraph shall not apply to the spouse, ascendants or descendants.

Article (46)

If one of the officials who are mentioned in Article (30) hereof fails to file the Financial Disclosure statement within the time limit set forth in Article (32), the official shall be punished by the following penaltiess:

1. **The First Statement**: a fine of not less than five hundred and not more than three thousand Dinars, and if the delay exceeds ninety days, after being warned to file the statement, the official may be dismissed.
2. **Statement Update:** a fine of not more than three thousand Dinars, and if the delay exceeds ninety days, after being warned to update the statement, the official shall be punished by imprisonment for a term not exceeding one year and a fine of not less than three thousand and not more than ten thousand Dinars, or by one of these penalties and may be dismissed.

3. **The Final Statement:** a fine of not more than five thousand Dinars, and if the delay exceeds ninety days, the official shall be punished by imprisonment for a term not exceeding three years and a fine of not less than three thousand nor more than thirty thousand Dinars or by one of these penalties.

   In all cases, the violation's file shall be referred to the competent inspection committee to verify the elements of the official's Financial Disclosure.

Article (47)

If the official subject to the law files an incomplete or false statement of Financial Disclosure with the knowledge thereof, or if the official did not file a statement for one of the persons under their guardianship, custodianship or curatorship, despite of being warned to file it, the official shall be punished by imprisonment for a term not exceeding three years and a fine of not less than three thousand and not more than thirty thousand Dinars, or by one of these penalties, and may be dismissed.

Article (48)

Whoever commits the offence of illicit gain shall be punished by imprisonment for a term not exceeding five years and fine equals to the value of the illicit gain, which they obtained, in addition to ruling with the confiscation of the illicit gain, whether it was in their own account or in the account of their spouse or minor children or those under their guardianship or curatorship.

The lapse of the criminal action due to death shall not preclude the confiscation ruling of the illicit gain.

Article (49)

Any conviction in the crime set forth in Article (48) hereof shall require the dismissal of the convict from their office or revocation of their membership, together with depriving the convict from holding a public office and the appointment or nomination for membership in any representative body unless they have been rehabilitated.

Article (50)

Any person other than those mentioned in Articles (47 and 48) who seriously benefited from the illicit gain with their knowledge thereof, shall be punished by half of the penalty stipulated in Article (48) hereof.

Article (51)

Whoever discloses the identity of the whistleblower or their domicile shall be punished by imprisonment for a term not exceeding three years and a fine of not less than one thousand nor more than five thousand Dinars, or by one of these two penalties.

Article (52)

Any official proven to have taken an administrative action against the whistleblower for reporting one of the offences set forth herein shall be punished by a disciplinary penalty, and the administrative action taken against the whistleblower shall be null and void.

Article (53)

Without prejudice to any severe penalty, a person who reported corruption offences and intentionally provided false data or information, concealed information or data, committed fraud or deception, concealed the truth or was misleading the justice, shall be punished by imprisonment for a term not exceeding three years, and the court may rule with dismissing them from their office.

Part VII
Final Provisions

Part VII

Final Provisions

Article (54)

The criminal case, in the corruption offences set forth in Article (22) hereof, shall not be abated and the adjudged penalty for such offences shall not be barred by prescription.

Article (55)

The court may bring any natural or legal person, whom it believes to have earnestly benefited from the illicit gain, into the case. Further, the dismissal or confiscation ruling shall be enforceable to their wealth in proportion to the extent of benefits they gained.

Article (56)

The penalties stipulated herein shall not preclude the imposition of any severe penalty prescribed by another law for the committed act.

Article (57)

The executive regulations of this law shall be issued pursuant to a decree, on the proposal of the Board of Trustees, within two months from the date of issuing this Law, and it shall be published in the Official Gazette.

Article (58)

Any provision that contradicts the provisions of this law shall be superseded.

Article (59)

The Prime Minister and the ministers – each within their jurisdiction – shall implement this Law and it shall be published in the Official Gazette.

The Amir of Kuwait

Sabah Al-Ahmad Al-Jaber Al-Sabah

Issued at Al-Seif Palace on the 14th of Rabea Al-Aakhar 1437 A.H.

Corresponding to the 24th of January 2016.

Explanatory Note
to the Law No. (2) of 2016

Explanatory Note to the Law No. (2) of 2016 On Establishing Kuwait Anti-Corruption Authority and the Provisions on Financial Disclosure

The Constitutional Court has ruled, in the appeal No. (24) of 2015 in its session held on 2015/12/20, that the Decree-Law No. (24) of 2012 on establishing Kuwait Anti-Corruption Authority and the provisions on Financial Disclosure is unconstitutional. Due to the necessity to the existence of Kuwait Anti-Corruption Authority in the legislative system as a national inevitable entitlement required for the supreme interest of the State, the Ministry of Justice drafted this newer law, which mostly includes the same provisions of the Decree-Law which was ruled to be unconstitutional due to a procedural defect. It is important to note that the Constitutional Court declared the former law unconstitutional due to the lack of necessity to issue a decree-law; however, the court did not reject its the substantive provisions.

Law 2 of 2016 includes the establishment of an independent public authority named Kuwait Anti-Corruption Authority charged with combating and preventing corruption and warding off its dangers and remedying the causes thereof.

The law consists of seven Parts. Part I deals with the general provisions starting with the meaning of terms used in the law and the identification of persons subject to the provisions thereof. Part II deals with the establishment of the Authority, its objectives and competences, and the duties and powers of the Board of Trustees, which manages the Authority, and how to form it, as well as the Executive Body, which is responsible for the technical, administrative and financial affairs related to its work. This Part also deals with the regulation of the Authority's financial matters of the Authority and how the society would participate in achieving the best possible success in combating corruption. Part III determines the corruption offences, procedures of arrest, investigation, prosecution and competent bodies of each stage.

Part IV regulates Financial Disclosure and specifies the persons subject to its provisions. This Part includes the definition of Financial Disclosure, its form and content, how to file it. It also deals with its confidentiality, inspection committees and how action is taken with regards to Financial Disclosure.

Part V exhibits the provisions for the protection of the whistleblower. It defines the act of reporting, its conditions, mechanism of filing, and the protection of the whistleblower. The Part includes the procedures and types of such protection. It concludes with the State's guarantee to compensate whistleblowers and their heirs for any material or immaterial moral damages that he may sustain due to reporting corruption, in addition to the material and immaterial incentives that may be given to whistleblowers.

Part VI of the law sets out in detail the penalties for the violation of the provisions of this law, either original, consequential or supplementary penalties. The Part defines the criminalized acts the penalties for each offence and determines exemptions from punishment and the conditions thereof.

Part VII contains the final provisions related to the non-abatement of the criminal action in the corruption offences and the right of the court to bring any person it believes to have earnestly benefited from the illicit gain into the case. The dismissal or confiscation ruling shall be enforceable to their wealth in proportion to the extent of benefits he gained. It also stipulates that the penalties set out in this law shall not preclude the imposition of any severe penalty prescribed by another law for the committed act, and that this law shall be from the date of its publication.

Executive Regulations

Decree No. 300 of 2016
Promulgating the Executive Regulations of Law No. 2 of 2016 on Establishing Kuwait Anti-Corruption Authority and the Provisions on Financial Disclosure

Having perused the Constitution, and;

- Law No. (30) of 1964 On the Establishment of the State Audit Bureau as amended;
- Decree-Law No. (15) of 1979 regarding the Civil Service as amended;
- Decree-Law No. (23) of 1990 on Regulation of the Judiciary Law as amended;
- Decree-Law No. 38 of 1980 on promulgating the Civil and Commercial Procedures Law as amended;
- Decree-Law No. 116 of 1992 regarding the Administrative Regulation, Determining Competences and Delegation thereof,
- Law No. 3 of 2006 on Press and Publication,
- Law No. 47 of 2006 regarding the Approval on the United Nations Convention Against Corruption,
- Law No. 61 of 2007 regarding the Audio-Visual Media,
- Law No. 1 of 2016 promulgating the Companies Law,
- Law No. 2 of 2016 on the Establishment of Kuwait Anti-Corruption Authority and the Provisions on Financial Disclosure,
- Based on the proposal of Kuwait Anti-Corruption Authority's Board of Trustees in its meeting No. 7 of 2016 held on 2016/4/25, and the presentation of the Minister of Justice, and
- Following the approval of the Council of Ministers,

We decreed as follows:

Article 1

The provisions of the executive regulations of the aforesaid Law No. 2 of 2016,which are attached to this decree, shall be enforced.

Article 2

The Ministers – each within their jurisdiction– shall implement this decree, which shall be effective from the date of its publication in the Official Gazette.

The Amir of Kuwait

Sabah Al-Ahmad Al-Jaber Al-Sabah

Prime Minister

Jaber Mubarak Al-Hamad Al-Sabah

Acting Minister of Justice

Mohammad Abdullah Al-Mubarak Al-Sabah

Issued at Seif Palace on: 2 Safar 1438 A.H.

Corresponding to: 2 November 2016 A.D.

Part I

Definitions & General Provisions

The Executive Regulations of Law No. 2 of 2016 On the Establishment of Kuwait Anti-Corruption Authority and the Provisions on Financial Disclosure

Part I

Definitions and General Provisions

Chapter 1 Definitions

Article 1

In the application of the provisions of these executive regulations, the following words, phrases and terms shall have the meanings assigned to them as follows:

Law:	The aforesaid Law No. 2 of 2016.
Competent Minister:	The Minister of Justice.
Convention:	The United Nations Convention against Corruption.
Authority:	Kuwait Anti-Corruption Authority.
President:	The President of the Authority.
Board:	The Authority's Board of Trustees.
Members:	The Members of the Board of Trustees.
Executive Body:	The body assuming the technical, administrative, and financial affairs of the Authority.

Chapter 2

General Provisions

Article 2

The President shall supervise the executive body through administering its technical, administrative and financial affairs and issuing the resolutions and instructions which enable the President to perform so. The President may delegate their Vice-President to perform some of the President's competences and the Vice-President shall replace the President in case of latter's absence.

Article 3

Without prejudice to the provisions of the law, the board shall develop the anticorruption general policy and frameworks in accordance with the competences set forth in Article 10 of this law.

Article 4

If the office of the President or Vice-President or one of the members falls vacant for any reason, a replacement shall be appointed according to the procedures stipulated in the law and shall complete the term of their predecessor.

Part II

Cooperation in Combating Corruption and Establishing the Principle of Transparency and Integrity

Part II

Cooperation in Combating Corruption and Establishing the Principle of Transparency and Integrity

Chapter 1

Cooperation in Combating Corruption

Subsection 1

Role of Civil Society Organizations in Combating Corruption

Article 5

The Authority shall encourage and enforce the role of civil society institutions and organizations in combating corruption as follows:

1. Communicate with such institutions in order to obtain the information they possess which may enable the Authority to follow up corruption cases and recover assets resulted therefrom.
2. Encourage such institutions to activate their role in spreading the awareness about the dangers of corruption through the issuance of publications, media materials and organizing symposiums and conferences.
3. Encourage such institutions to cooperate with State bodies in combating corruption.
4. Encourage such institutions to study and assess Kuwait's status in reports issued by regional and international organizations relevant to combating corruption and give their opinion to the Authority.
5. Activate their role in studying the social conditions and the main causes behind the emergence of corruption and present their suggestions to address the manifestations of corruption.
6. Any other means to be suggested by the Authority to encourage and activate the role of civil society institutions and organizations in combating corruption.

Subsection 2

Cooperation with the Educational Institutions

Article 6

The Authority shall, in collaboration with educational institutions in combating corruption, perform the following:

1. Help educational institutions to develop a mechanism for combating corruption, achieve transparency among officials of the educational institutions and reach quality in education in order to realize the desirable integrity.
2. Cooperate in designing training programs for students in order to raise their awareness of values of integrity and the importance of being committed to them and promoting the culture of public funds and property protection, making this as a part of curriculums, as well as organization of events and symposiums for such purpose.
3. Encourage them to raise students' awareness of the material dangers of corruption and intolerance of corruption.
4. Encourage them to design pre-service and on-service programs to qualify teachers on raising the awareness of corruption dangers and combating it.
5. Encourage them to establish a communication network among the educational process' leaders with the aim to spread the culture of integrity.

Subsection 3

Coordination with the Media to Raise Society's Awareness And enlighten the public about the Dangers of Corruption

Article 7

The Authority, in collaboration with the various media shall raise society's awareness and enlighten the public about the dangers of corruption and its impacts on society. For this purpose, the Authority may:

1. Organize awareness campaigns for public opinion to support combating corruption and spread the culture of reporting incidents of corruption.
2. Publish and disseminate codes of conduct for officials and citizens to be a basis for society education leading to a conduct that supports combating corruption.

3. Encourage the media to follow a systematic approach in media planning to stop and prevent corruption offences to occur.
4. Highlight the role of the Authority in detecting and combating corruption, publish its reports and encourage the official subject to Law to file their Financial Disclosure Statements on time.
5. Promote administrative reforms in all State bodies and take effective measures to eradicate corruption.
6. Invite the media to host society's resource persons and specialists to provide insights about corruption, its dangers and how to combat it.

Subsection 4

Cooperation with Entities Responsible for Houses of Worship

Article 8

In collaboration with entities responsible for the places of worship, the Authority shall instill the values of honesty and integrity and raise awareness on the dangers of corruption for the society and individuals through the following:

1. Encouraging such entities to approach corruption and its dangers from the perspective of the Islamic Sharia and moral standards in the religious discourse and emphasize the fact that the Islamic Sharia is based on the principle of integrity and combating corruption.
2. Encouraging such entities to spread the culture of integrity and transparency and reject the manifestations of corruption and wasting of public funds.
3. Encouraging such entities to develop and strengthen religious sentiment of every member of the society to prevent them from practicing corruption or committing its crimes.
4. Encouraging such entities to instill the values of integrity through the narration of stories from Islamic heritage on this matter.
5. Encouraging the visit of preachers and mosque orators to schools, colleges, universities, clubs, youth centers, reformation homes and others to spread the culture of rejection of corruption and promotion of integrity.

Chapter 2

Establishment of the Principle of Transparency and Integrity in Economic and Administrative Transactions

Article 9

The national anti-corruption strategy shall depend on several main axes to achieve integrity, transparency and combating corruption. The board shall issue this strategy and develop mechanisms, plans, and programs for its implementation and follow up its implementation with the relevant entities.

Article 10

The Authority aims to realize the principle of transparency and integrity in the economic and administrative transactions to ensure the achievement of rational management and the optimal utilization of state's funds, resources and State properties through coordination with relevant entities as follows:

1. Maintain and support recruitment systems as follows:
    a. Must be based on the principles of competency, transparency and objective standards.
    b. Include training for individuals nominated for public offices.
    c. Suggest training programs that will enable officials to fulfill the requirements of the correct and honorable performance in public offices.
2. Suggest suitable legislative and administrative measures to set standards for nomination and appointment in public offices.
3. Work on filling the gaps and sources of corruption through the separation ofservice providers from service demanders by the use of modern technology.
4. Take measures to approve, maintain, and support transparency systems of public officials.
5. Develop codes and standards of conduct for the correct and honorable performance in public offices and disciplinary actions shall be taken by the relevant entities against violators in accordance with the laws.
6. Suggest the establishment of suitable procurement systems based on transparency, competition and objective standards in decision-making.
7. Encourage entities to use an effective system for internal audit to ensure the availability of legal ways for grievance and equity when rules and procedures are not followed.
8. Suggest systems that enable clients to obtain information about the decisionmaking process.

Part III

Provisions and Procedures of Financial Disclosure

Part III
Provisions and Procedures of Financial Disclosure
Chapter 1
Form and Details of the Financial Disclosure Statement

Article 11

Persons referred to in Article 2 of Law shall file the statements of Financial Disclosure in accordance with the form attached to this decree, which presents all required data.

Chapter 2
Provision of the Appropriate Service to the Official Subject to Law to Assist in Filing the Statement

Article 12

The Authority shall announce the dates for filing of statements of Financial Disclosure in the various media at times the Authority sees suitable. The entities shall notify their employees of the legally defined due dates for the filing of their statements of Financial Disclosure at least one month before the deadline of such dates.

Article 13

The Authority shall provide the entities to whom the officials subject to the Statements system belong with forms of Statements and sealable envelopes. It shall also provide such forms through its website on the Internet with an option to fill in print, sign and file them electronically.

Article 14

The Authority shall train and guide the relevant officials who are nominated by their entities to follow up works specified by the Authority, such as the receipt of the Statements in the entities of the officials subject to law and provide a direct service that helps them accomplish the statement and answer their inquiries. In addition, the Authority shall provide those entities with instructional publications and posters in this regard.

Chapter 3

Dates of Filing the Financial Disclosure Statements

Article 15

The officials subject to the provisions of this chapter shall file the statement after the publication of the executive regulations according to the following dates:

First: First Statement:

- Within six months after the publication of the regulations for those in the service.
- Within sixty days after assumption of office.

Second: Update Statement:

Within sixty days after the end of every 3 years for those remained in office.

Third: Final Statement:

Within ninety days after leaving the office.

Article 16

The Authority shall warn the official subject to the Statements system through one of the methods set for in Article 57 of these regulations in the following cases:

A. If the official files his First Statement or Statement Update after the lapse of the deadlines referred to in Law, having been warned that in either case if the delay exceeded more than 90 days, the official shall be subject to the penalty set forth in Article 46 of Law.

B. If the official files an incomplete or false Financial Disclosure Statement with prior knowledge or does not file a statement for one of the persons under their guardianship, custodianship or wardship, despite having been warned, the official shall be subject to the penalty in Article 47 of Law.

In all cases, the Authority shall inform the Public Prosecution of each incident to take the appropriate actions.

Article 17

The Authority may develop a special system for the receipt of the statements which organizes the dates for the filing of the statements according to the entities to which the officials subject to the law belong, taking into account making it easy for them and for their compliance with the filing dates that stipulated by Law.

Chapter 4
Procedures for Filing, Receipt of the Statement and its Details

Article 18

The official subject to the law shall file the statement of Financial Disclosure to the relevant official at the headquarters of the Authority or at the official's workplace according to the resolution of the Authority.

Certain officials may be delegated, upon a decision by the President and according to the circumstances he may consider, to move to places outside the headquarters of the Authority to receive the statement and may after a presentation to the board introduce new methods and mechanisms for the filing and receipt of the statement.

Article 19

The statement shall be filed in a well-sealed envelope against a receipt to be given to the filer by the relevant official stating the date of the statement, the name and capacity of the filer who files the statement. It may be sent to the Authority via a registered mail with acknowledgment of receipt by those outside Kuwait, or in cases to be specified by the President.

Article 20

Upon the publication of the regulations, the entity to which the officials subject to the law are affiliated shall:

a. Inform the Authority of its official who is mandated to cooperate with the Authority, provided that being one of the supervisors in the administrative affairs and must coordinate with the Authority.

b. Provide the Authority within a month from the date of implementation of these regulations with a list of its officials who are required to file the statement of Financial Disclosure , stating their job title, rank and the corresponding job description set forth in Article 2 of Law.

c. Notify the Authority of any official whose service is terminated or lost their capacity for any reason or any changes may be introduced to the previous data immediately.

d. Companies, in which the State or one of the government agencies, public bodies or institutions or any other public legal entities, directly contribute not less than %25 of their capital, shall inform the Authority immediately of this fact and attach a list of all the officials subject to the law amongst the representatives of the State in the membership of their boards of directors. They are also required to notify the Authority of any changes in the percentage of contribution or its legal status immediately.

e. In all cases, such entities shall provide the Authority with the required data and explanations. The Authority shall follow up the performance of the tasks assigned to those entities according to the provisions of Law and shall report to the public prosecution any violation of the provisions of Articles 26 and 45, para. (1), of Law. In addition, the Authority shall also report those violations to he heads of the entities to take the necessary action for their removal.

Article 21

The statement shall be written on the form attached to this Decree, which includes the Authority's notes that shall be observed. The data of the statement shall be filled in Arabic, the name and signature of the official subject to the law shall be affixed thereunder and must be correct and accurate. When submitting any documents in a foreign language, it must be accompanied by a certified Arabic translation.

Article 22

When filling the statement of Financial Disclosure, the official subject to the law may not refer to the particulars of the previous statement, but must always state the particulars of the statement subject to the law.

Article 23

The Authority's competent department shall keep the Statements of Financial Disclosure and the relevant documents in accordance with the mechanism and time determined by the internal regulation and shall develop a record for their data, with the observation of the confidentiality of those data.

Chapter 5

Formation of Inspection Committees

Article 24

A special committee shall be formed upon a decision by the president of the Supreme Judicial Council, composed of three deputies from the Court of Cassation or the Court of Appeals to whom the Statements of the President and members of the Board of Trustees shall be presented.

Committees to examine statements of Financial Disclosure shall be formed upon a decision by the President, taking into consideration that selection in each committee shall be according to offices and the office levels of the officials subject to the law as follows:consideration that selection in each committee shall be according to offices and the office levels of the officials subject to the law as follows:

Inspection Committees (A):

It is composed of a head and four members, including a member with legal experience and a member with financial experience. Such committees examine the Financial Disclosure Statements of:

1. The prime minister, the deputies of the prime minister, the ministers and whoever holds an executive office on a ministerial rank.
2. The speaker, the deputy speaker and members of the National Assembly.
3. The President and the members of the Supreme Judicial Council, president and justices of the constitutional court and the technical staff of the court, judges, the members of the Public Prosecution, the president and the members of the Legal Opinion and Legislation Department.
4. The chairman, the vice chairman and the members of the Municipality Council.
5. President of the State Audit Bureau.
6. Chief of Finance Controllers Body.

Inspection Committees (B):

These committees shall consist of a head and at least two members, including a member with legal experience and another with financial experience. These committees examine the Financial Disclosure statements of the following:

1. The general director and the members of each of the General Administration for Investigations of the Ministry of Interior, and the Legal Department of Kuwait Municipality, the arbitrators, the experts of the Ministry of Justice, the liquidators, the receivers, and the creditors' agents.
2. The Leaders who hold the group of leadership offices in the public payroll (the highest grade/undersecretary/assistant undersecretary).
3. Members of boards of directors and general managers and their deputies or assistants and secretaries-general and their deputies or assistants in the public bodies or institutions or any government agency.
4. A leader-like, such as heads of departments or administrative units and their deputies or members seconded to public bodies and institutions.

5. The vice president and deputies of the State Audit Bureau.
6. The chairman and members of boards, authorities and committees that undertake executive functions, whose formation and the appointment of their members are made subject to a law, decree or a resolution of the Council of Ministers.
7. Vice president, heads of sectors and leaders of the Finance Controllers Body.
8. The secretary-general and the assistant secretaries-general of Kuwait Anti-Corruption Authority.

Inspection Committees (C):

These committees shall consist of a head and at least two members, including a member with legal experience and another member with financial experience to examine the Statements of Financial Disclosure of other categories which are not covered by the committees (a, b) namely:

1. State's Representatives in the membership of the boards of directors of companies in which the State or one of the government agencies, public bodies, institutions or other public legal entities, directly possess not less than 25% of their capital.
2. Directors of departments and their equivalents, such as heads of organizational units, which depend in the structures thereof on a level of a department or higher.
3. Members of boards of directors of cooperative societies and sporting authorities.
4. Notaries and the registrar at the Departments of Real Estate Registration & Authentication of the Ministry of Justice.
5. Finance controllers of the Finance Controllers Body.
6. Directors and technical staff of the State Audit Bureau.
7. Directors and technical staff of Kuwait Anti-Corruption Authority.

Article 25

The assistance of judges may be sought to chair and be members of the inspection committees after the approval of the Supreme Judicial Council. The secretariat of the committee shall be assumed by one of the officials of the relevant sector of the Authority.

Chapter 6
Procedures and Method for the Inspection of the elements of Financial Disclosure

Article 26

The President and members of the Board of Trustees shall file their Statements to the president of the Supreme Judicial Council in order to present to the competent committee for inspection. This committee shall, if a suspicion of Illicit gain is found out and having heard the Statements of those suspects, refer them with a report to the public prosecutor for the appropriate action. If such a suspicion was not found by the committee, it shall return the statement back to its status and be kept as it was.

Article 27

The committees referred to in Law and these regulations shall examine the elements of Financial Disclosure of the official subject to the law by perusing the statement and ensuring the completion of its formal components and the accomplishment of all required data, and may request the official subject to the Law to explain or complete thereof.

Article 28

After having perused the statement and the available information, data, documents and evidence, along with taking into account the procedures provided for by the Constitution or Law, the inspection committees of the Authority may take all necessary actions to reach the truth, including the following:

1. Hear the statements of the official subject to the law.
2. Require the official subject to the law to submit data and documents it deems necessary.
3. Request the competent authorities to conduct investigation.
4. Request data, papers and documents or copies of them from all entities.
5. Seek the assistance of experts or whoever it deems appropriate within or outside the Authority.
6. Hear the statements of any person it deems to be appropriate, taking intoconsideration the protection and confidentiality provided to such person by law.

Article 29

The inspection committees shall commence their work in such a manner they consider capable to reach the truth.

Article 30

The Authority may require the official subject to the Law to provide information about the Financial Disclosure if there exists evidence to justify so. The official subject to the Law may also request to add any data to the statement, and therefore, both request and statement shall be referred to the competent committee for reinspection.

Article 31

The inspection committees shall prepare a report on every official subject to the provisions of this part who is likely to have an increase in the Financial Disclosure resulted from an illicit gain, after hearing their statements, taking into consideration the provisions of Article 27 of these regulations. The committee shall finish the preparation of this report in a period of time not exceeding two months and may be extended upon the approval of the President for other periods when needed.

Such report shall be referred to the President in order to send it - when acceptable- to the Public Prosecution in accordance with the mechanism specified by the board.

The special procedures required by the Constitution or Law for some persons shallbe taken into consideration.

Article 32

If no suspicion of illicit gain is detected by the inspection committees, they shall suggest a reasoned resolution to keep the statement according to a mechanism to be determined by the board for such purpose. This resolution shall not prevent the re-inspection if found to be justifiable, or if a report was submitted in this regard, therefore the procedures set forth in the previous article shall be applied if a suspicion of illicit gain is detected by those committees.

Article 33

Late filing or failure to file the statement shall not prevent the inspection committees of the Authority from inspecting the elements of Financial Disclosure of the officials subject to the law, even if it is not the result of a report against them.

Article 34

Any person whose statement is under inspection or preliminary investigation shall have the right to view the statement related to the person and any decisions taken in its regard. The person may obtain copies of such decision with the permission of the competent head of the inspection committee.

Article 35

The officials responsible for receiving, keeping, inspecting, preliminary investigation, and disposition of Statements and reports filed on illicit gain shall not disclose their data, information or documents -even after the termination of their service - and shall not allow others to access to them.

Article 36

Publication and dissemination of matters related to the works of the Authority shall be limited to the official statements released by the President, and may upon violation thereof, notify the Public Prosecution to take actions stipulated by the Law concerning Publications, Publishing and Audio-Video Media.

Part IV

Procedures of Reporting, Collection of Inferences Methods of Protecting Whistleblowers and the Likes

Part IV

Procedures of Reporting, Collection of Inferences, Methods of Protecting Whistleblowers and the Likes

Chapter 1

Procedures of Reporting and Actions to be Taken

Article 37

Reporting of corruption offences requires that the whistleblower must have serious evidence justifying the belief in the reported incident. In particular, the report will be deemed to be unserious in the absence of documents, or merely referring to documents or presumptions by the whistleblower.

Article 38

The report shall be submitted directly to the Authority or any other competent entity and requires the following:

1. It must be in writing, including the whistleblower's name, signature and capacity, date of submission, address, method of communication and telephone numbers. The whistleblower may appear in person before the Authority and report the incident verbally, where the competent official executes minutes for that.
2. It must include sufficient explanation on the reported incident of corruption, time and place of commission, source, how and the occasion that made the whistleblower aware or certain of the reported incident and the names of involved persons and their capacities and other information or indications that may support the incident.
3. The whistleblower shall attach any documents and papers that may support the reported incident if available
4. The whistleblower shall state their relation to the reported persons and whether the whistleblower had reported them previously to any Authority, if so, the actions to be taken.

Article 39

The whistleblower shall be made aware at the time of submitting the report - whenever possible - that whoever intentionally provided false data or information, or concealed information or data, or committed fraud or deception or concealed the truth or was misleading justice shall be subject to the provisions of the law.

Article 40

A record for the reports received by the Authority shall be established. The competent official shall, immediately upon receipt of the report, write it down in the minutes, prepare the summary of that report, state its date in the same record and refer to actions taken towards it, such as filing, collection of inferences or referral thereof to another body and actions taken afterwards.

Article 41

The Authority may, when the report has met the requirements and led to the detection of a corruption offence, award the whistleblower with a financial reward. It can be a portion of the recovered funds and proceeds of corruption offences, provided that the report was the only and direct cause of that. The reward could be a moral recognition by awarding a certificate of appreciation, or by publishing this accomplishment in the media after the end of protection period and upon the whistleblower's consent, or any other material or immaterial incentives to be resolved by the Authority for each case and condition and in accordance with the rules laid down by the Board of Trustees.

Article 42

The Authority's competent department shall examine the reports and order the investigation, gather information and documents to ascertain their validity, give opinion on the reports or refer them to other bodies or present them to the President of the Authority who may instruct for the disposition thereof, or include them in the agenda of the board's meeting in order to resolve what can be done towards them. The President shall submit to the board a monthly report on the results of the works.

Article 43

The President may reverse the decision to archive the report, if there is a justifiable reason.

Article 44

The Authority shall follow up and examine the incidents of corruption that reach its knowledge through any means, including information published by the media in this regard, and request for investigation ,collection of documents and facts on them and the way to deal thereof in accordance with the mechanism set forth in Articles 43 and 45 of this bylaw.

Chapter 2

Provisions and Procedures for Investigations, Detection of Violations and Collection of Inferences

Article 45

The Authority shall, in investigations and detection of violations in corruption offences and the actions taken thereof, follow the rules provided for by the relevant applicable laws, taking into account any special procedures that the Constitution or the law may require regarding certain persons.

Article 46

The officials of the Authority - specified by the decision of the President - shall undertake the detection of violations and the writing of minutes with regard to the crimes stipulated by law, and they shall be granted an identity with this capacity.

Article 47

The competent officials designated to detect violations and write minutes shall introduce themselves to the responsible official of the entity target of the mission, show up their special identification cards and explain the nature of the mission and whatever facilitation and assistance they may need, unless mission requires otherwise.

Article 48

The Authority shall, through its competent sector, commence the procedures for the detection of violations and the writing of minutes by such measures as:

1. Request information and reports from the competent entities concerned with the subject matter of the report.
2. Peruse relevant files, contracts and documents and control thereof as appropriate.
3. Examine and audit documents and evidence attached to the reports and complaints submitted to the Authority.
4. Review the reports of the regulatory authorities and any other reports that refer to incidents of corruption and take the appropriate actions with their coordination.
5. Communicate with the banks to obtain information related to the subject matter of the report or copies of relevant documents after following the procedures set forth in paragraph (2) of Article (34) of Law.

6. Request for an investigation and collection of information on funds and proceeds of corruption offences and submit them to the competent authorities to track and recover them wherever they are.
7. Compare information in its possession and data stated in the statement of Financial Disclosure.
8. Conduct interviews and summon persons to obtain additional information or Statements that may serve the subject matter of the report.
9. Specify damages resulted from the incident of corruption, the subject matter of the report.
10. Any other obligations, powers and legal means that may serve the purposes of the request for investigation and collection of Inferences that might be assigned to the relevant sector by the chairman.

Article 49

If the competent official of the Authority who is designated to detect violations, during the collection of evidence and information became aware of the commission of a corruption offence, the official shall preserve the evidence and whatever related to offer that may be of use to the investigation and shall take the appropriate measures, record the evidence in the minutes and present it to the competent department for instruction.

Article 50

If the official assigned to examine the report found out that there was a need to take any procedures of judicial investigation, the official shall present the matter to the supervisor to refer it to the competent Public Prosecution for the appropriate action.

Article 51

If it is not a suspected crime as mentioned in the previous article and there is a need to inspect a person or a certain residence, the procedures set forth in the previous article shall be followed.

Article 52

The Authority may seek the assistance of experts, advisors and specialists it may need for its work, or for obtaining of information in accordance with the rules laid down by the board in this regard.

Article 53

The officials of the competent sector shall write minutes for the actions taken and detected violations prior to their referral to the competent Public Prosecution.

Article 54

When serious evidence indicate that a person has committed one of the corruption offences stipulated by the law, even if the person is not subject to Financial Disclosure, the Authority may require this person to submit data, explanations and papers which prove the person's financial status in case of sudden unjustifiable increase in wealth in order to determine to what extent the person has immensely benefited from the illicit gain with or without their knowledge.

Article 55

The Authority shall apply in serving papers related to the implementation of the provisions of Law and this regulations one of the following methods:

1. Serving judicial papers through the service representatives.
2. A letter with acknowledgment of receipt via mail or delivery by any person the Authority may designate for that.
3. Any method consistent with the provisions of the applied laws.

Article 56

If process of gathering of inferences resulted in the existence of a suspicion of a corruption offence, the Authority shall refer it to the Public Prosecution. If the suspicion of crime does not exist in the papers, the competent official shall suggest a reasoned resolution to keep it and present it to their supervisor in order to be kept in accordance with the mechanism set forth in the above-stated Articles 43 and 45.

Article 57

In coordination of other bodies, the Authority shall submit to the Public Prosecution the information, documents, minutes and all evidence that establish the serious benefit that any person may have obtained from illicit gain in order to take the appropriate actions against the person.

Article 58

If the Authority discovers, through the investigation carried out by the competent body, that there was an engagement in which the State is a party in violation of Laws or it has been executed in violation of a concluded contract, it shall inform the competent bodies to take the necessary legal actions to repeal the contract or withdraw a concession or any other engagements.

Chapter 3

Procedures for the Protection of Whistleblowers and the Likes

Article 59

The witnesses, experts, victims of crime and the officials of the Authority who give testimony related to criminalized acts shall be treated like the whistleblowers and shall enjoy the same protection.

Article 60

The protection may be extended - as the case may be- to include spouse, relatives and other persons closely related to the foregoing whistleblower and the like.

Article 61

Protection shall begin with the submission of the report, the request to provide information or the request for the expert's report and end with the expiration of its motives. In all cases, protection is granted and end according to the discretion of the Authority on a reasoned resolution or according to a written request by any eligible person for protection.

Article 62

The Authority shall provide the eligible person with personal protection as follows:

1. Conceal the person's identity and replace it with special codes. The Authority shall develop secret records including the original data of the person eligible for the concealment of identity or protection and shall be kept secret to ensure its confidentiality and shall be disclosed only by the decision of the chairman or the competent court.
2. Provide the eligible persons with security guards, follow up their affairs and legal interests in cases of apprehension of intransigence and disruption and guarantee their presence in the court hearings and investigations with thecooperation of the Ministry of Interior and other relevant bodies. The Authority may seek the assistance of companies and individuals with expertise in this field with whom it may conclude contracts.
3. Temporarily or permanently change the residence, workplace or both and provide appropriate alternatives according to conditions and needs.
4. Change the private telephone numbers or put them under surveillance upon the request of the owner after following the legal procedures in this regard and provide a telephone for emergency to receive calls for help from those under protection who are seeking protection from any potential assault or threat.

5. The whistleblowers, witnesses and experts may - as appropriate- give their statements through the use of communication technology, video, and other media and applications that guarantee their secrecy and safety, or visit them in safe places and hear their statements behind the curtains.

Article 63

No action shall be taken against the whistleblower by their employer that may change their legal or administrative status, harm or deprive their rights, affect their position and reputation or any other negative measures or procedures - whatsoever as long as they are related to their role in combating corruption and such resolution or the procedure shall be disregarded, effective from its date of issue and all its effects shall be repealed.

Article 64

Anyone who takes action against the whistleblower for reporting a corruption offence shall be subject to disciplinary investigation.

Article 65

Anyone who believes, in the good faith, that the incident they report is correct as they have serious evidence justifying such reporting shall not be subject to any punitive, civil or disciplinary actions whatever the result of the report.

Article 66

If the report meets the conditions stipulated by the law and these regulations and the whistleblower was materially or immaterially affected, the state shall compensate them or their heirs and bear the expenses of medical treatment and social care for them and their heirs.

Article 67

The Authority may adopt any measures and other procedures it deems necessary to provide the protection stipulated by Law.

Part V
Final Provisions

Part V

Final Provisions

Article 68

The Authority may request the Ministry of Justice - in its capacity as the central authority for receiving requests of legal assistance - to notify the Authority with requests received by the Ministry regarding combating corruption promptly in order to take the necessary action in collaboration with other bodies subject to the Convention.

Article 69

State's Ministries, institutions and agencies shall cooperate to support and assist the Authority in its efforts in combating corruption by reporting to the Authority the incidents of corruption and provide it with information, documents and papers related to any incidents related to corruption.

Article 70

The Authority shall perform its functions and competences in the field of combating corruption and the protection against it, within the scope of the continuous cooperation and coordination with the National Assembly and the Council of Ministers.

Article 71

The Authority may, in coordination with the competent bodies, work on the preparation of treaties with the State parties to the convention against corruption, to provide protection for persons covered by the treaties during their stay outside Kuwait as well as the methods and mechanisms of summoning, giving their testimonies and information on corruption offences, or any other kind of necessary assistance for implementation of the provisions of the law.

Statement of Financial Disclosure

Pursuant to Law No. 2 of 2016 and its Executive Regultions

(These instructions should be read before filing the statement)

The persons referred to in Article (2) of the law shall file this statement in accordance with the following instructions::

1. The data of the statement shall be completed in Arabic language, taking into consideration the notes of the Authority therein, as well the name and signature of the official subject to the law shall be affixed thereto, provided that the written data must be true and accurate. Thereafter, the statement shall be put in the envelope provided by the Authority and sealed tightly.
2. Dates of filling of the Statements of Financial Disclosure and its type:

Type of Statement	Date of Filing	Put a Tick
First Statement	* Within six months after the date of publishing the executive regulations, if the official still holds the office.	
	* Within 60 days after assuming an office or a capacity.	
Updated Statement	* Within 60 days after the end of every 3 years, as long as the official subject to the law remains in office.	
Final Statement	* Within 90 days after the date of leaving the office or termination of capacity.	

3. In the event that the official subject to the law delays or fails to file the statement of Financial Disclosure on time, the official shall be liable to the penalties stipulated by the law and the file of violation shall be referred to the concerned inspection committee to verify the elements their Financial Disclosure.
4. If the official subject to the statement of Financial Disclosure has intentionally filed an incomplete or false Financial Disclosure, or the official did not file the statement on behalf of one of the persons under their guardianship, custodianship or curatorship, despite being warned; the official shall be penalized according to the law and may be removed from the office.

5. The official subject to the statement of Financial Disclosure shall file it with the competent official at the Authority's headquarters or at the official's workplace as determined by the Authority. The statement may be sent to the Authority via a registered mail with a return receipt for those staying abroad or in cases to be determined by the chairman of the Authority.
6. The envelope shall be delivered with a receipt issued by the competent official.
7. In completing the statement of Financial Disclosure, the declarant may not refer to the particulars of the previous statement. However, the official must always state the particulars of the statement in accordance with the law.
8. The statements of Financial Disclosure shall be considered confidential, and it shall be maintained accordingly. All those persons who are required to enforce the law shall not disclose the statements, even after the termination of their employment relationships and any offender who violates so shall be penalized in accordance with the law.
9. In case any table or a page is not sufficient, it shall be photocopied, added and signed by the filer.
10. The name field shall be filled in with the name of the declarant, their minor children and those under their guardianship, custodianship or curatorship, as the case may be.
11. In case the money is an inheritance that has not been distributed yet, the owner's share shall be indicated.
12. The value shall be stated in Kuwaiti Dinars in all tables.
13. The statement of Financial Disclosure shall include those who reside inside or outside Kuwait.
14. In case any table is not used, the phrase "None" shall be written and then signed.
15. Do not leave any blank spaces in the statement, and put lines instead to fill them in.

Signature of the Declarant

Details of the declarant (in Residency Country)

Name of Filer			Sex	
Nationality		Civil ID No.		
Country of Residence		Passport No.		

Office / Capacity	Body	Date of Assumption	Date of Leaving
1 -			
2 -			
3 -			
4 -			
5 -			

Work Tel.			Mob.	
Residence Address				
Residence Tel.		E-mail		

The total fixed monthly salary that the declarant receives from the office or capacity	K.D

- If the declarant has more than one office or capacity, the declarant shall indicate them all and file one statement thereunto. Upon leaving any of them, the declarant shall mention such matter in the Statement Update, and refer to the ongoing ones.
- The name of the body shall be included next to each office or capacity. Also, the declarant must mention the corresponding category as mentioned in Article 2 of the law.

Signature of the Declarant

1 - Details of the declarant's minor children and those under their guardianship, custodianship or curatorship.

Name	Date of Birth	Relationship	Type of Identification		Identification No.	Remarks
			Civil ID	Passport		

* The certificate of guardianship, custodianship and curatorship, if any, shall be mentioned in the field of Remarks.

* Put a tick (√) opposite to the type of Identification.

Signature of the Declarant

2 - The real estate which are wholly or partially owned by the declarant, their minor children and those under their guardianship, custodianship or curatorship.

Name of Owner	Location of Real Estate	Area of Real Estate	Ownership Percentage %	Type of Real Estate	Remarks

* All types of real estate including lands, buildings and others.

Signature of the Declarant

3 - Usufruct of the declarant, their minor children and those under their guardianship, custodianship or curatorship.

Name of Usufructuary	Location of Usufruct	Area	Type	Remarks

* All the usufructs including the state-owned lands, and real estate built thereon with its different types of licenses (e.g. chalets, industrial / commercial / agricultural / service / craftsmanship licenses, agricultural or livestock production plots (stockyards andstables), etc., together with the entitlement in endowments and charitable bequests.

* Type: Chalet, industrial land, agricultural land, livestock plots (stockyards andstables), etc.

Signature of the Declarant

4 - Securities and interests in the companies owned by the declarant, their minor children and those under their guardianship, custodianship or curatorship.

Owner Name	Securities and Interests in the Companies		Name of the Company or the Issuing Body	Nationality of the Company or the Issuing Body	Listed / Not Listed	Remarks
	Type	Number and Percentage				

* Securities: include shares, bonds, sukuk and interests in the companies, and the units of investment funds, etc., under whatever names, and anything through which a financial right may be granted to the official subject to the law, under any name or from whatever source.

Signature of the Declarant

5 - Deposits, bank accounts, and debts owed to the declarant, their minor children and those under their guardianship, custodianship or curatorship.

Name	Name of the Debtor, Depositee or Bank	Debtor's Nationality	Type of Debt, Deposit or Bank Account	Value (K.D)	Remarks

* Bank accounts include all the accounts under whatever names (current, saving, and other accounts), as well as the cash deposited in the bank safety boxes and others.

Signature of the Declarant

6 - Debts of the declarant declarant, their minor children and those under their guardianship, custodianship or curatorship.

Debtor's Name	Name of the Bank, Lending Body or Creditor	Nationality of the Lending Body	Value of Debt (K.D)	Date of Final Payment	Remarks

* Debts: All the accrued liabilities at the time of filing of the statement.

Signature of the Declarant

7 - The valuable movables owned by the declarant, their minor children and those under their guardianship, custodianship orcuratoship.

Name of Owner	Particulars of Movables Total Value		Total Value (K.D)	Remarks
	Number	Description		

* The valuable movables, including gifts, and cash money (having a value in excess of KD 3000 at the time of listing thereof in the declarant's Assets and Liabilities) particularly vehicles, machineries, jewels, precious gemstones, antiques, livestockand agricultural wealth and others.

Signature of the Declarant

Remarks

The particulars of the elements of Financial Disclosure (including authorizations and powers of attorney having financial impacts for the declarant, their minor children and those under their guardianship, custodianship or curatorship inside Kuwait or abroad) to be added, other than those previously stated.

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This is a statement of my Financial Disclosure (or those of my minor children and those under my custodianship or curatorship).

Name:

Signature:

Completed on: / /

الهيئة العامة لمكافحة الفساد
Kuwait Anti Corruption Authority

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