



نـزاهة Nazaha

Law No. 2 of 2016

**On Establishing Kuwait Anti-Corruption
Authority and the Provisions on
Disclosure of Assets and Liabilities**





His Highness
The Amir
Sheikh / Sabah Al-Ahmad Al-Jaber Al-Sabah





His Highness
the Crown Prince
Sheikh / Nawaf Al-Ahmad Al-Jaber Al-Sabah



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Law No. 2 of 2016

**On Establishing Kuwait Anti-Corruption
Authority
and the Provisions on Disclosure of
Assets & Liabilities**

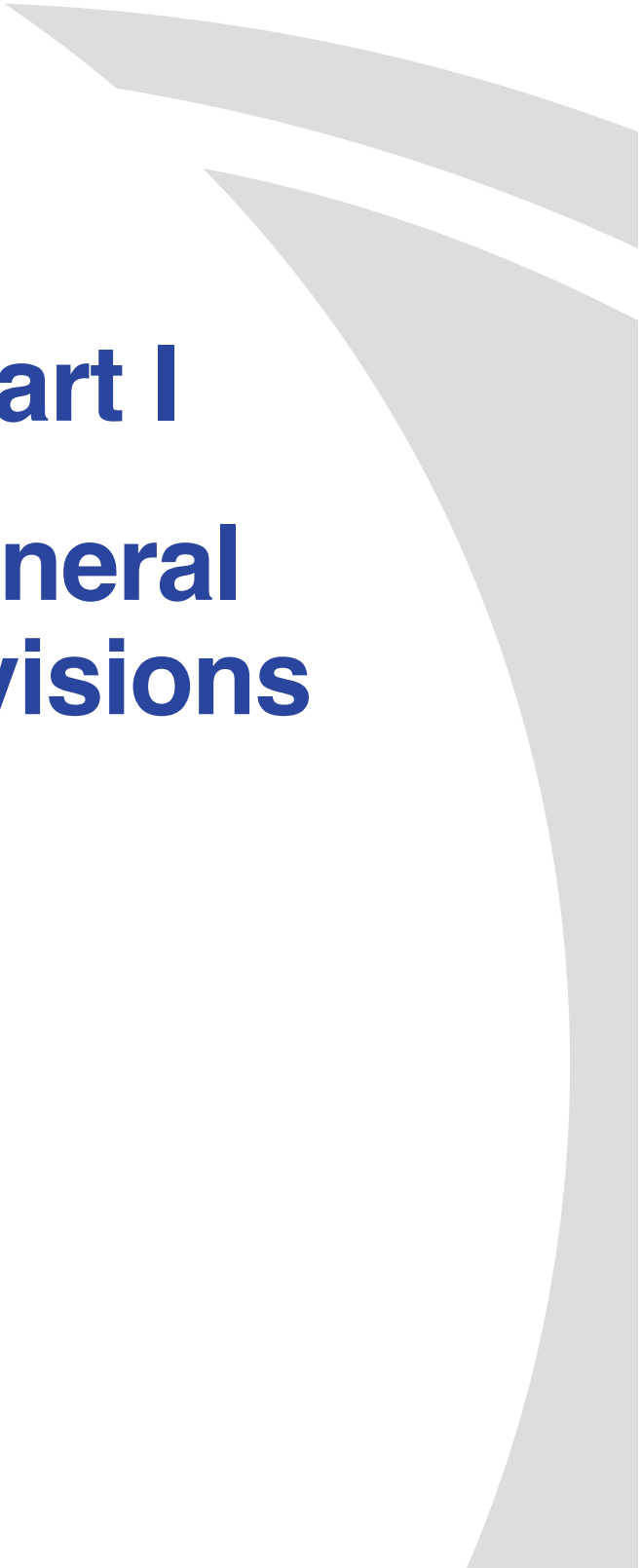
Law No. 2 of 2016 On Establishing Kuwait Anti-Corruption Authority & the Provisions on Disclosure of Assets & Liabilities

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 Commission 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 Cybercrimes; 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.
- **Chairman:** The Chairman 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, his minor children or those under his 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.
- **Assets and Liabilities:** They are the cash money, real estate or movables owned by the person subject to the provisions of this law and his minor children and those under his 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 him to third party or issued to him by third party, in addition to the usufruct.
- **Reporting:** It is the act of informing or reporting by a natural or a legal person of information in his 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:** he / she is the person who reports any corruption offence. That also applies to the witnesses, victims of crimes and the 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, his 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 level 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 chairman, vice-chairman, 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 and performs its functions and competences in full independence and impartiality in accordance with the provisions of this Law.

Article (4)

The Authority aims at achieving the following:

1. Establishing 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. Implementing 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. Seeking 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. Protecting the State's agencies from bribery, exploitation and abuse of power in order to achieve personal benefits and prevention of mediation and nepotism.
5. Protecting the whistleblowers of corruption.
6. Promoting the principle of cooperation and participation with the States and the regional and international organizations in the fields of anti-corruption.
7. Promoting and activating 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. Developing a comprehensive national strategy for integrity, transparency and anti-corruption, drawing up mechanisms, plans and programs for its implementation, and following up its implementation with the concerned authorities.

2. Receiving and studying the reports, complaints and information submitted to it concerning the corruption offences, and when ascertained that they constitute a suspicion of a crime, such reports shall be referred to the competent investigative body.
3. Receiving the statements of Assets & Liabilities and forming committees to examine such statements.
4. Protecting the whistleblowers in coordination with the competent bodies.
5. Informing the competent bodies in order 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. Following up actions and measures taken by the competent bodies to recover funds and proceeds resulting from the corruption offences.
7. Studying the legislations and legal instruments related to anti-corruption periodically and proposing 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. Coordinating with the Ministry of Foreign Affairs with regard to cooperation with the Gulf, Arab and international states and organizations related to anti-corruption 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. Studying and assessing the reports issued by local, regional and international organizations related to anti-corruption, reviewing Kuwait's status therein and taking the appropriate action towards them.
10. Coordinating 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. Taking 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 anti-corruption activities and prevention of corruption.
12. Requesting the competent bodies to investigate incidents of financial and

administrative corruption, detecting the violations and irregularities and collecting evidence related thereto.

13. Developing 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. Requesting the competent bodies to bring the necessary administrative and civil actions.
15. Referring 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 chairman and a vice-chairman 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,

He shall be a full-time member of the Board of Trustees. The member loses his capacity, in accordance with the law, and his office would become vacant if he violated that, and he 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 Chairman 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 Chairman or the vice-chairman, or any other member; if it is proven that he has seriously breached his duties after the conduction of an investigation.

If the office of the chairman or the vice-chairman 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 cooperation 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 annual general 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 having been

proven by a conclusive judicial decision.

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 chairman, vice-chairman 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 Almighty God 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 Chairman shall supervise the executive body and represent the authority before the judiciary and others, without prejudice to the provisions of the Amir 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 Chairman, and they shall be responsible before him 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 Chairman, Vice-Chairman 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 and regulations 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 anti-corruption.

Article (14)

The Chairman shall issue a decision concerning the determination of 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 Chairman, 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 Chairman, members of the Board of Trustees and any employee of the Authority shall not:

1. Do any business by himself or in his capacity as an agent, guardian, custodian or a curator, 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 1st of April of each year and ends on

31st of 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 objected to the Authority's estimations and the Authority did not agree to such objections, the Minister of Finance shall present such objections to the Council of Ministers for its action.

Article (19)

The Chairman 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 and present the information, which he possesses, thereon 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 herein set forth, 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, and 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
Kuwait
Anti-Corruption
Authority

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 his 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 statements of Assets and Liabilities 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
Disclosure
of Assets and
Liabilities

Part IV Disclosure of Assets and Liabilities

Chapter One Officials Subject to the Statements of Assets & Liabilities

Article (30)

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

Article (31)

The executive regulations shall organize the form and data of the statement of Assets and Liabilities, 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 Assets & Liabilities Statements according to the offices and office levels of officials subject to the law. The Authority may ask for the help 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 him 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 he still holds his office.
- Within sixty days after assuming his office.

2. Statement Update: Within 60 days after the end of every 3 years, as long as the official subject to the law remains in his office.

3. The Final Statement: Within ninety days after leaving his 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 Chairman 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 his 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 his Assets & Liabilities resulted from an Illicit Gain after hearing his 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 offended 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 his 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 Protection Program

Article (40)

The whistleblower shall be afforded protection from the time he or she submits the report, and the protection shall extend to include his or her spouse, relatives and all other persons closely connected to him, when necessary.

Article (41)

Protection of the whistleblower shall include the following:

1. Providing the whistleblower with personal protection: by not revealing his identity or whereabouts, and providing him with personal guards or a new place of residence, if circumstances so require.

2. Providing the whistleblower with the administrative and occupational protection: by preventing any administrative action against him and guaranteeing the continuity of his employment salary, rights and benefits during the period decided by the Authority.
3. Providing the whistleblower with the legal protection: by not bringing a criminal, civil, disciplinary case against him, when the report fulfils 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 whistleblower, through which he can give his Statements in a manner that ensures all his material, moral and administrative guarantees to ensure his safety.

Article (43)

The State shall compensate the whistleblower or his heirs for any material or moral damages he may suffer from, as a result of the submission of the report, 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 whistleblower 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 those who are mentioned in Article (30) hereof fails to file his Assets & Liabilities statement within the time limit set forth in Article (32), he shall be punished by the following penalties:

- 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, he 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, he 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, he 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 his Assets and Liabilities.

Article (47)

If the official subject to the law files an incomplete or false statement of Assets & Liabilities with his knowledge thereof, or if he did not file a statement for one of the persons under his guardianship, custodianship or curatorship, despite of being warned to file it, he 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 he 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 he obtained, in addition to ruling with the confiscation of the Illicit Gain, whether it was in his own account or in the account of his spouse or minor children or those under his 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 his office or revocation of his membership, together with depriving him from holding a public office and the appointment or nomination for membership in any representative body unless he has been rehabilitated.

Article (50)

Any person other than those mentioned in Articles (47 and 48) who earnestly benefited from the Illicit Gain with his 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 his 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 him from his 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 his wealth in proportion to the extent of benefits he 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 his 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: 14th Rabi' Al-Akhir 1437 A.H
Corresponding to: 24th January 2016 A.D**



**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 Disclosure of Assets and Liabilities

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 the disclosure of Assets & Liabilities 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, and it was established that the Constitutional Court did not consider the aspects of appeals for the unconstitutionality of the substantive provisions of the Decree-Law No. (24) of 2012, which was ruled to be unconstitutional, as the ruling is limited only to a ground of unavailability of the state of necessity for the issuance thereof, however the Ministry of Justice drafted a bill, which mostly includes the same provisions of the Decree-Law which was ruled to be unconstitutional due to a procedural defect.

This law has included 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 attached 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 the disclosure of Assets & Liabilities and specifies the persons subject to the provisions of this Part and the meaning of Assets & Liabilities, the form and content of Assets & Liabilities statement and how to file it, its confidentiality, inspection committees and how to deal there with.

Part V exhibits the provisions for the protection of the whistleblower and states the meaning of reporting, its conditions, mechanism of filing, protection of the whistleblower and the procedures of this protection, its types and concludes with the State's guarantee to compensate him and his heirs for any material or immaterial

moral damages that he may sustain due to submission of the report, in addition to the material and immaterial incentives that may be given to the whistleblower.

Part VI of the law sets out in detail the prescribed penalties for the violation of the provisions of this law, either original, consequential or supplementary penalties, and it defines the criminalized acts and prescribes a penalty for each offence and determines the cases of exemption 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 his 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 Disclosure of Assets and Liabilities

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 Disclosure of Assets & Liabilities,
- 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 his areas of competence – shall implement this decree, which shall be effective from the date of its publication in the Official Gazette.

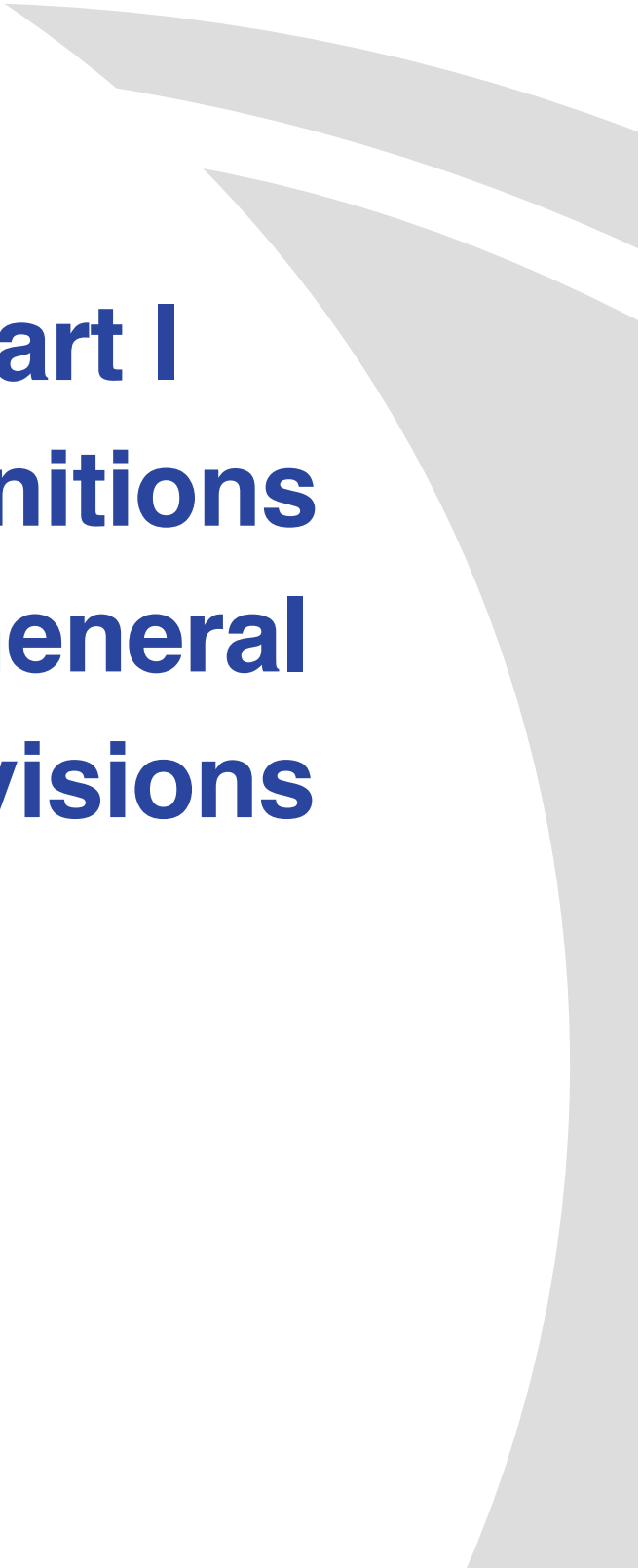
The Amir of Kuwait
Sabah Al-Ahmad Al-Jaber Al-Sabah

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 143 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 Disclosure of Assets and Liabilities

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.
Chairman:	The Chairman 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 chairman shall supervise the executive body through administering its technical, administrative and financial affairs and issuing the resolutions and instructions which enable him to perform so. The chairman may delegate his vice chairman to perform some of his competences and the vice chairman shall replace him in case of his absence.

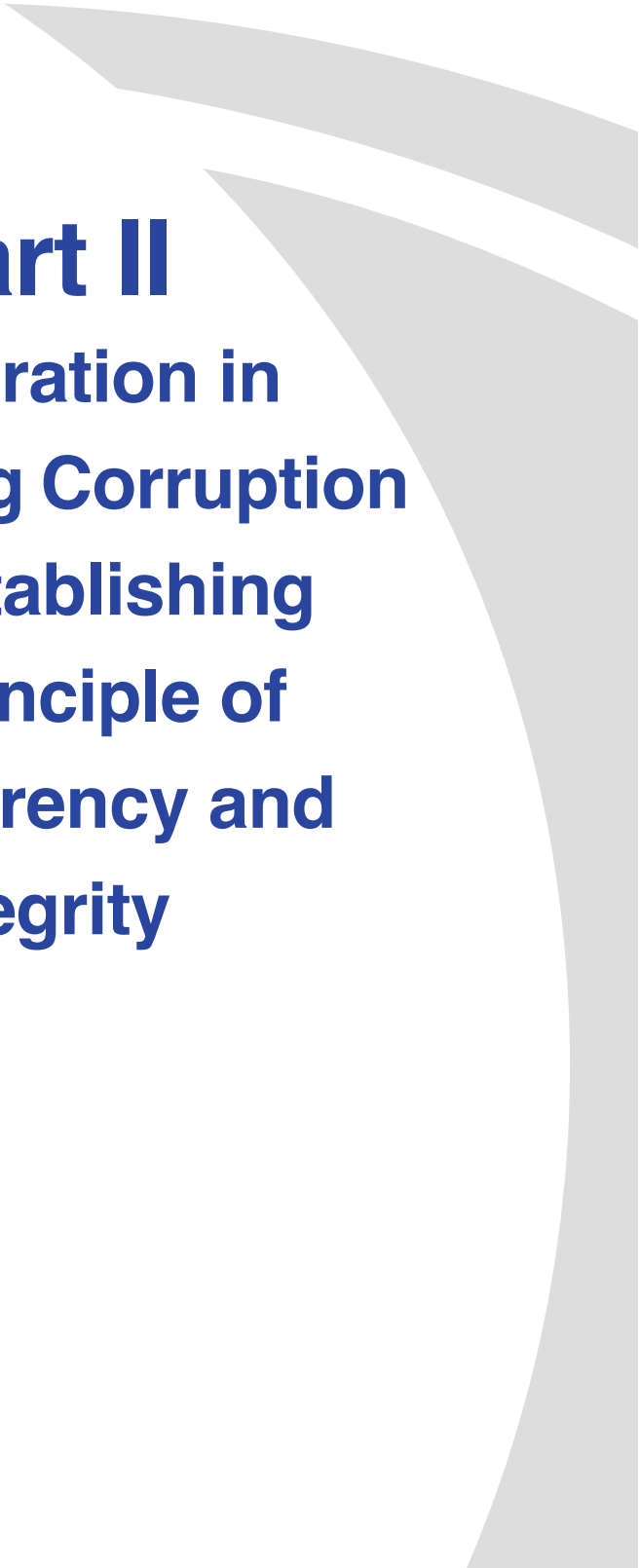
Article 3

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

Article 4

If the office of the chairman or his vice chairman 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 his 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 Statements of Assets & Liabilities 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 of service 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 decision-making process.





Part III
Provisions and
Procedures
of Disclosure of
Assets & Liabilities

Part III Provisions and Procedures of Disclosure of Assets and Liabilities

Chapter 1 Form and Details of the Assets & Liabilities Statement

Article 11

Persons referred to in Article 2 of Law shall file the statements of Assets & Liabilities 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 him in Filing the Statement

Article 12

The authority shall announce the dates for filing of statements of Assets & Liabilities of 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 Assets & Liabilities 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 enquiries. In addition, the authority shall provide those entities with instructional publications and posters in this regard.

Chapter 3

Dates of Filing of Statement of Assets and Liabilities

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 Assets & Liabilities updated the statement late 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 statement of Assets & Liabilities with his prior knowledge, or if the official doesn't file a statement for one of the persons under his guardianship, custodianship or wardship, having been warned that he shall be subject to the penalty set forth 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 his statement of Assets & Liabilities to the relevant official at the headquarters of the authority or at his workplace according to the resolution of the authority.

Certain officials may be delegated, upon a decision by the chairman 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 chairman.

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. Furnish 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 Assets and Liabilities, 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 his 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 the 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 Assets and Liabilities, the official subject to the law may not refer to the particulars of his 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 Assets & Liabilities and its 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 chairman and members of the board of trustees shall be presented.

Committees to examine statements of Assets & Liabilities shall be formed upon a decision by the chairman, 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:

Inspection Committees (A):

It is composed of a chairman and four members, including a member having legal experience and another one with financial experience. Such committees examine the Statements of Assets & Liabilities of the following categories:

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):

Such committees shall be composed of a chairman and at least two members, including a member having legal experience and another financial experience. These committees examine the statement of Assets & Liabilities of the following categories:

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 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. The vice chief, 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 be composed of a chairman and at least two members, including a member having legal experience and another one having financial experience to examine the Statements of Assets & Liabilities 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 magistrates may be invoked to preside 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 Assets & Liabilities

Article 26

The chairman 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 his 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 Assets & Liabilities 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 into consideration 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 his Assets and Liabilities 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 re-inspection.

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 his Assets & Liabilities resulted from an Illicit Gain, after hearing his Statements, taking into consideration the provisions of article (27 of this 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 chairman for other periods when needed.

Such report shall be referred to the chairman 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 shall be 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 Assets & Liabilities of the officials subject to the law, even if it is not the result of a report against them.

Article 34

An official under inspection and a preliminary investigation shall have the right to peruse the statement related to him and any decisions taken towards it, and may

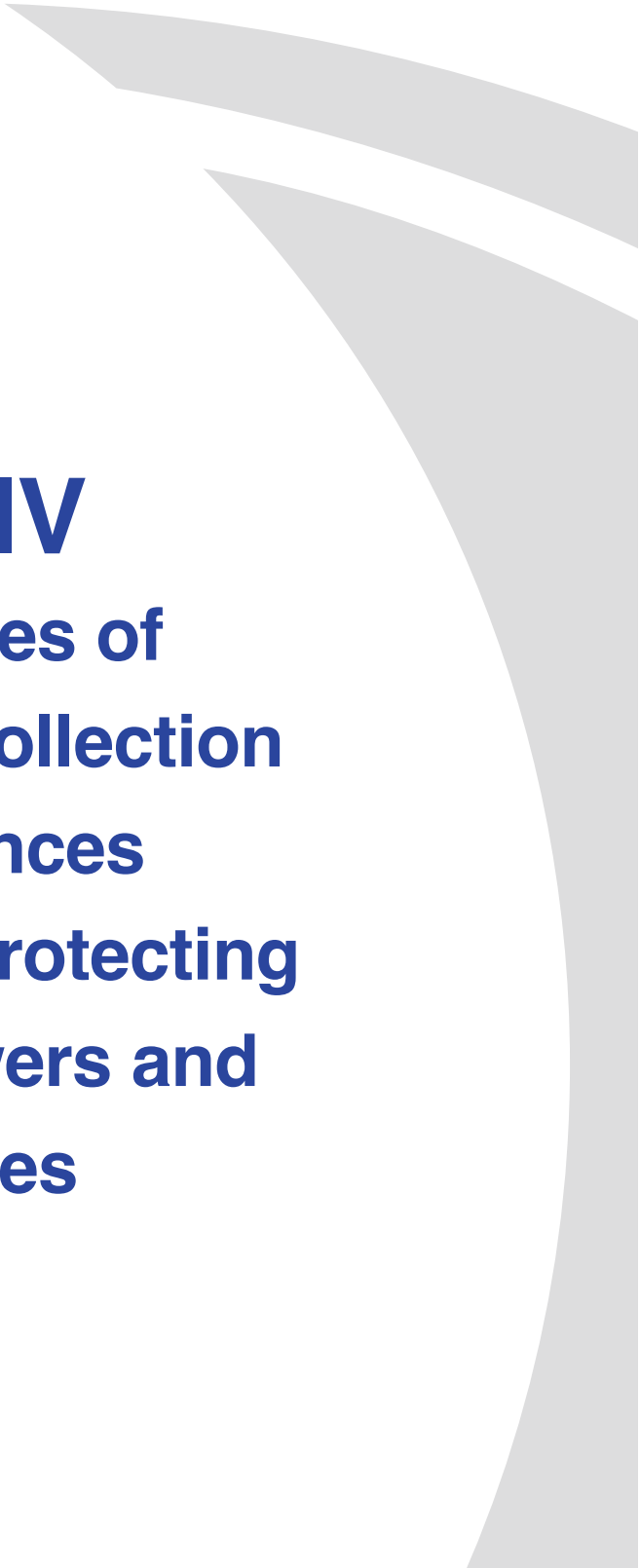
obtain copies of them with the permission of the competent chairman of the inspection committee.

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 chairman, and may upon violation thereof, notify the public prosecution to take actions stipulated by 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 indications justifying his belief in the soundness of the reported incident, in particular the report will be deemed to be unserious in the absence of the documents, by just referring to them, or any presumptions to justify so for the whistleblower.

Article 38

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

1. It must be in writing and the name, signature and capacity of the whistleblower, date of submission, his address, method of communication and his telephone numbers, shall be affixed thereunder. 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 him 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. Shall enclose any documents and papers in his possession that may support the reported incident if available.
4. Shall state in the report his relation to the reported persons and whether he 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, put it down in the minutes, prepare the summary of that report, states its date in the same record and refer to actions taken towards it, such as keeping, 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, which could 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 him a certificate of appreciation, or by publishing his accomplishment in the media after the end of protection period and upon his 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 chairman 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 chairman shall submit to the board a monthly report on the results of the works.

Article 43

The chairman may reverse his decision to keep 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 Investigation order, Detection of Violations and collection of Inferences

Article 45

The authority shall, in requesting investigation 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 chairman- 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 official designated to detect violations and write minutes shall introduce himself to the responsible official of the entity target of the mission, show up his special identification card and explain the nature of his mission and whatever facilitation and assistance he 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. Match between information in its possession and data stated in the statement of Assets and Liabilities.
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, he shall preserve its evidence and whatever related to it that may benefit the investigation and shall take the appropriate measures, record them in the minutes and present them 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, he shall present the matter to his chairperson to refer it to the competent public prosecution for the appropriate action.

Article 51

If, it is not a flagrant crime as described 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 to invoke the assistance of experts, justices and specialists it may need for its work, or for participation in the 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 execute minutes for actions taken and detected violations in preparation for their referral to the competent public prosecution.

Article 54

The authority may require any person, against whom serious indications that he committed one of the corruption offences stipulated by the law are found, even if he is not subject to the Statements system, to file data, explanations and papers which prove his Assets & Liabilities including the sudden unjustifiable increase thereof in order to determine to what extent he earnestly benefited from the Illicit Gain with or without his 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 did not exist in the papers, the competent official shall suggest a reasoned resolution to keep it and present it to his chairperson in order to be kept in accordance with the mechanism set forth in the above-stated Articles 43 and 45.

Article 57

With the coordination of other bodies, the authority shall submit to the public prosecution the information, documents, minutes and all evidence that establish the earnest benefit that any person may obtain fro Illicit Gain in order to take the appropriate actions against him.

Article 58

If the authority finds out, 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 his 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 the cooperation 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 his employer that may change his legal or administrative status, reduce his rights, deprive him from them, distort his position and reputation or any other negative measures or procedures - whatsoever- as long as they are related to his role in combating corruption and the resolution or the procedure shall be disregarded, effective from its date of issue and all its effects shall be repealed.

Article 64

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

Article 65

Anyone believes, in the good faith, that the incident he reports is correct as he has serious indications 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 met the conditions stipulated by the law and this regulations and the whistleblower was materially or immaterially affected, the state shall compensate him or his heirs and bear the expenses of medical treatment and social care for him and his 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 Assets and Liabilities Pursuant to Law No. 2 of 2016 and its Executive Regulations

(These instructions should be read before accomplishing 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 Assets & Liabilities 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 he still holds his 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 his office.	
Final Statement	* Within 90 days after the date of leaving his office or termination of capacity.	

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

5. The official subject to the statement of Assets & Liabilities shall file the Assets & liabilities statement with the competent official at the Authority's headquarters or at his 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 against a receipt issued by the competent official.
7. In accomplishing the statement of Assets & Liabilities, the filer may not refer to the particulars of his previous statement, however he must always state the particulars of the statement in accordance with the law.
8. The statements of Assets & Liabilities shall be considered secrets that shall be maintained. 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 declarant.
10. The name field shall be filled in with the name of the declarant, his minor children and those under his 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 Assets & Liabilities shall include those existed inside Kuwait and abroad.
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

Particulars of the declarant (in Residency Country)

Name of Filer			Gender
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	KD
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- If the declarant has more than one office or capacity, he shall indicate all of them and file one statement thereunto, and upon leaving any of them he shall mention such matter in the statement update, and refer to the ongoing ones.
- The name of the body shall be mentioned opposite to the column of each office or capacity he holds, and he shall state the description set forth in Article 2 of the law.

Signature of the Declarant

Remarks

The particulars of the elements of Assets and Liabilities (including authorizations and powers of attorney having financial impacts for the declarant, his minor children and those under his 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 Assets and Liabilities (or those of my minor children and those under my custodianship or curatorship).

Name:

Signature:

Accomplished on: / /

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