



Asset Recovery in The State of Kuwait



Introduction



**Kuwait Anti-Corruption Authority was established by the law no. 2 of 2016
after ratifying UNCAC on the 9th .Dec.2003**

**The law has gone into force in Nov.2016 and the Authority has gone
through a trial and error phase.**

The authority consists of two major pillars:

First: The Financial Disclosure sector

Second: The Detection and Investigation of Corruption sector

Detection and Investigation of Corruption Sector



Inquiry and Investigation Department

Detection of Corruption and Asset Recovery Department

**Monitoring and project follow up
division**

**Asset recovery follow up and
whistleblower protection division**

Law provisions of Asset Recovery



Article (23) of the Law

“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 (56) of the executive regulations

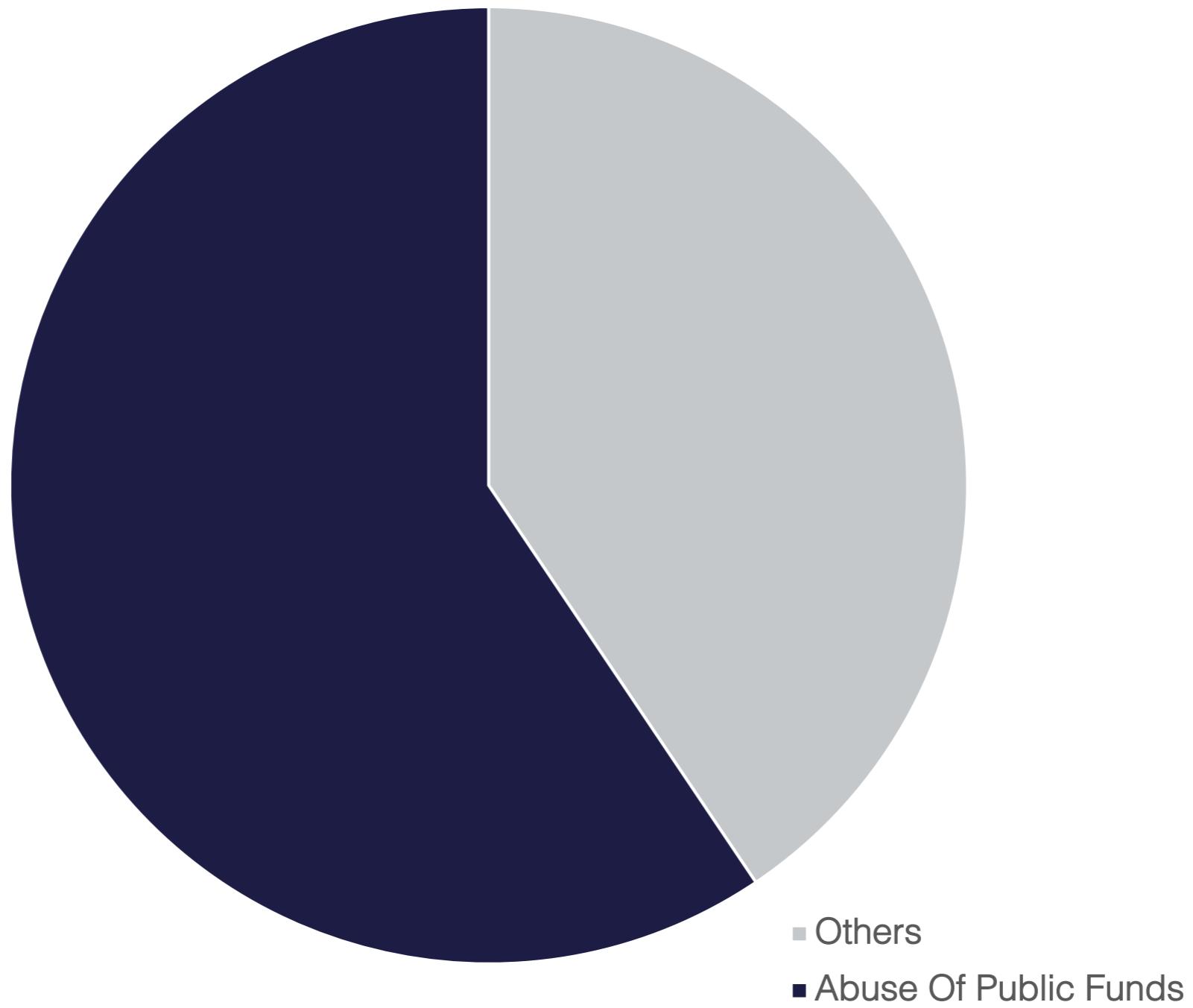
“If process of gathering of inferences resulted in the existence of a suspicion of a corruption offence, the authority shall refer it to the public prosecution.”

Articles (2) & (22) of the law

The articles articulate exclusively the subjects of the law, and the provisions within clearly state that the authorities jurisdiction is limited to the institutions and positions operating with public funds or when the state owns no less than 25% of its capital.

Referring to the above mentioned articles, the majority of cases within the authority are related to the law no. 1 of 1993 concerning the protection of public funds as the main obligation of the authority

Cases within they Authority



The procedures of work in the Authority concerning Asset Recovery



The authority primarily investigates the case of the corrupt act .1 and sets the course of action.

2. The authority acts as proxy for the whistleblower before the public prosecution

- 3. The public prosecution conduct their own investigations and either refers to the specialized courts or decides to seize action.**
- 4. Once the court rules in terms of penalty or asset recovery the Department of Execution (MOJ) would take all necessary procedures.**

Case study



In 2016 the authority investigated the MOH depute minister suspicious contract with an insurance company.

The company received continuous contracts with the MOH even though its executions fell short of its obligations

The contracts stretched from 2003 to 2017

As the authority started investigations the then current minister canceled the contract

The investigations revealed that the depute minister had not followed the proper legal process when granting the contract and had neglected to sign a formal contract to preserve the rights of the ministry and the public funds.

The deputy received a factious job position within the company and a monthly paycheck in return for the contract.

The deputy's son who worked at the fire department also received a job position and a monthly paycheck.

**The case was referred to the court and the deputy was charged
with:**



2 acts of bribery for his sons position in the company and his own.

1 act of neglect of responsibilities that led to damages to the public funds

1 act of neglect of legal procedures

..Thank you
..Questions?



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