

The New Integrity and Anti-Corruption Committee, Jordan

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On 16 June 2016, Jordan decided to move forward in Economical-Judicial reform. On that date, the Integrity and Anti-Corruption Commission (“IACC”) came into force by Law No. 13 of 2016 (“IACC Law”). Two Authorities were merged into one, with the cancelling of the Bureau of Ombudsman Law No. 11 of 2008 and the Anti-Corruption Law No. 62 of 2006. The legislator argued the need to develop this law to establish the principles of justice and accountability and good performance in the public interest, and to ensure adherence to the principles of national integrity, and to fight corruption in its all forms and means, and to activate all values and behavioural norms in the public administration.

The present changes are to achieve long-term targets for consolidating national integrity in the values of official institutions, activating the governance and transparency of laws, providing equal opportunity in national institutions, and improving the management and supervision of public funds. The IACC Law has been issued to cover the faults of other previous laws. First, it is constructed to focus on the national public integrity to achieve the national public interest. Second, is to prevent suspicious acts and practices, and to control acts of corruption. Third, is to achieve the enforcement of the law, as this law has provisions for the investigation and prosecution of any corrupt act.

Under Article 4(j), this new Committee can prosecute anyone who commits any of the acts of corruption under the new law. The IACC receives complaints from those affected and investigates and collects evidence relating to any financial and managerial corruption.

Article 16(a) of the IACC Law sets out the acts of corruption that can be prosecuted by the IACC as follows:

- Crimes against job duties and crimes against Public Confidence and Trust in the Penal Code.
- Economic crimes in the sense defined in the law of Economic Crimes.
- Failure to declare or disclose investments, property or benefits that would lead to a conflict of interest if the applicable laws and regulations require such declaration or disclosure.
- All other acts or omissions that prejudice public funds.
- Abuse of power contrary to the provisions of law.
- An act by the public administrator relating to nepotism in favouring friends and relatives.
- The use of the information available ex-officio for their own benefits.
- Corruption offences relating to international conventions ratified by the Kingdom.

Moreover, this new law has excluded some crimes from its jurisdiction. Article 16(b) provides that the Commission does not have jurisdiction in the following:

- Disputes and complaints between individuals.
- Complaints within the jurisdiction of any other supervisory official body.
- Any disputes that are already filed before courts.

Article 17 creates a Prosecution Department in the judicial body to be specialised in all case referred to it from IACC. This department has well-trained prosecutors who are familiar with white collar crimes. Article 18 gives the right to the head of the IACC to seek assistance and support from any official – such as Judicial Officers, officials from other ministries, and police officers – to facilitate the commission work and investigation.

Article 23 legislates the punishments for corrupt acts committed in violation of Article 16. It states that, without prejudice to any other harsher punishment stated in other laws, anyone who is convicted of any of the corrupt acts in Article 16 will face imprisonment for not less than four months, or a fine of not less than 500 Jordanian Dinars and not more than 5,000 Jordanian Dinars.

Article 24 provides a Legal Witnesses Programme, to help witnesses and informants to submit any information that they might have to the Commission. The Commission shall provide protection for the witnesses in their places of residence, keep witnesses' identities anonymous, and use modern technology in the process of giving their testimony. In special cases where danger exists, the Commission could offer housing for the witnesses if needed.

Article 29 states that cases regarding the collection of the proceeds derived from corruption cannot be dropped or withdraw, cannot be stopped from prosecution and cannot be exempted from punishment. Moreover, Article 30 allowed the Committee to set up a 'Reconciliations Account' at the Central Bank, which is allocated to save money and the benefits derived from acts of corruption, which have been recovered or seized, until such amounts are delivering to their rightful owners.

This law was issued to achieve transparency in the public sector, and to establish a centralised unit that could have control over those white collar crimes which could challenge the improvements and the reforms adopted by the government. It should also motivate foreign investors to take into consideration that Jordan is an attractive hub for future enterprises in the Middle East, since Jordan is located in the heart of the Middle East, and could be considered as a safe area compared with some of its neighbouring countries.