

Integrity and Anti-Corruption law No. (13) of 2016

Article 1:

This law shall be named the “Integrity and Anti-Corruption Law of 2016” and shall come into force after thirty days of its publication in the Official Gazette.

Article 2:

The following words and phrases, wherever mentioned in this Law, shall have the meanings ascribed to them hereunder, unless the context provides otherwise:

The Commission: The Integrity and Anti-Corruption Commission established according to the provisions of this law.

The Board: Board of the Commission.

The Chairman: Chairman of the Board.

The Public Administration: Ministries, Governmental Departments, Public Official Institutions, Public Entities and Municipalities.

Article 3:

- a) A Commission, named the (Integrity and Anti-Corruption Commission) shall be established in the Kingdom. It shall have a judicial personality, and shall be financial and administrative independent. In such capacity, it shall undertake all legal actions needed to achieve its objectives, and shall have the right to enter into contracts and the ownership of movable property, and has the right to litigate. It shall be represented by the Public Civil Attorney in all legal proceedings.
- b) The Commission's head office shall be in Amman.
- c) The Chairman shall represent the Commission before third parties.

Article 4:

The Commission aims to ensure the adherence to national integrity and anti-corruption principles, through the following:

- a) Activate and apply the set of values and rules of conduct in the public administration and ensure its integration.
- b) Ensure that the public administration fairly and impartially provides high quality services to the citizens.
- c) Ensure that the Public Administration adheres to the principles of good governance and the values of equality, merit, entitlement and equal opportunity.
- d) Ensure that the Executive Authority adheres to transparency when establishing its policies and taking decisions.
- e) Ensure the citizen's right to be able to access information according to the related legislations.
- f) Ensure the presence of a legal framework that can hold the public officials and the decisions makers accountable.
- g) Receive the aggrieved persons' complaints and grievances according to the provisions of this law.
- h) Cooperate in providing and requesting mutual international legal assistance in relation to anti-

corruption through the official channels if the conditions for providing such assistant are present.

i) Detect all forms of financial and administrative corruption, disclosing violations and infractions, collecting the related evidences and information, in addition to initiating the needed investigations and the related legal and administrative proceedings.

j) Prosecute any person who commits any act of corruption, seize his/ her movable and immovable assets and ban him/her from travel based on an injunction issued by the competent judicial authority, in addition to request the related authority to suspend him/her from his/ her official post, and if needed request the suspension of his/ her salary, allowances and all other financial rights. It also has the power to amend or revoke any of the stated decisions according to the applicable legislations.

k) Combat character assassination.

L) Ensure that the private sector's control bodies and the civil society institutions do adopt and apply good governance standards and principles.

Article 5:

- a) The Commission shall carry out its authorities and tasks freely and independently without influence or interference by any other party.
- b) The Commission's offices shall not be subjected to search, unless based on a judicial decision and in the presence of the competent public prosecutor and notified the Chairman by such search, and a person who represents the Commission to attend the search. Any Contrary action shall be deemed null and void.

Article 6:

- a) 1. The Commission shall be managed and administrated by a Board composed of a Chairman and four members, who are known for their fairness, integrity, impartiality and expertise. None of these members shall hold any citizenship other than the Jordanian one. They shall be appointed through a Royal Decree based on the Prime Minister's nomination.
- 2. The term of the Board membership shall be four years and may be renewed once for the Chairman or any of the members.

- b) The Chairman and members shall be fully devoted to their work at the Commission and shall not practice any other job or profession, and they shall not be delegated or seconded or on leave from any other institution.
- c) The salary of the Chairman and the members and all their other financial rights shall be defined according to a decision issued by the Council of Ministers based on a recommendation by the Prime Minister.
- d) The Board shall choose from its members a Deputy Chairman, who shall assume the responsibilities of the Chairman in case of his absence.
- e) The Chairman and members shall be subject to the provisions of the Illicit Enrichment Law.
- f) Prior to assuming their duties the Chairman and members shall take the following oath before the King:
“I do swear, by Allah, the almighty, to be faithful to the King and the Country and to preserve the Constitution and respect the laws and regulations and carry out the duties assigned to me with impartiality, truthfulness and honesty”.

g) Except in cases of *flagrant delecto*. It is prohibited to persecute or detain the Chairman or any of the Board's members, except after obtaining the prior permission from the Judicial Council. The Judicial Council may, after hearing the statement of the Chairman or the member, decide either to continue with the detention for the period it deems appropriate or to extend it or to release him/her with or without bail.

Article 7:

a) The Council of Ministers shall have, based on a recommendation from the Board, may terminate the services of the Chairman or any of the members during the term of the board in one of the following instances:

1. If found in breach of the duties and tasks entrusted with or if committed an act contrary to honor or dignity.
2. If committed any act or conduct that violates the national dignity principles or perceived as corruption under the provisions of this Law.
3. If failed to attend the Board meetings for three successive sessions or six separate

sessions during one year without an excuse acceptable to the Board.

- b) If the position of the Chairman or any member becomes vacant for any reason whatsoever, a substitute shall be appointed pursuant to the procedures set out in Article (6/ 1/ a) herein for the completion of the remaining term of the Board.

Article 8:

- a) The Board shall assume the following authorities and tasks:

1. To establish the Commission's general policy and adopt the plans and programs needed in order to implement such policies.
2. To endorse and awareness of national integrity standards.
3. To study any subject, submitted to the board or through its own initiative that is related to any of the Public Administrations decisions, acts or practices and send its recommendations regarding such subject to the related institution.

4. To cooperate and coordinate with other similar national, regional and international bodies, which has similar functions of the commission.
5. To take the necessary decisions related to the complaints and grievances submitted to the Commission, including referring it to the related competent authorities.
6. To take the necessary decisions related to corruption cases, including referring such cases to the competent authorities.
7. To conduct the necessary investigations in order to follow up any of the corruption allegations, whether according to its discretion or based on information it might receive, and if the inquiry or investigation revealed that the information or allegations it submitted were false and malicious, the person who provided it shall be referred to the competent judicial authority in accordance with the applicable legal procedures.
8. To raise the citizens' awareness on the negative impact of corruption has on the country's economic, social and political development.

9. To publish periodical reports illustrating the dangers of corruption, nepotism and favoritism, on State institutions and public administration.
10. To approve the contracts and agreements entered into by the commission and to designate the authorized signatory on its behalf.
11. To approve the Organizational Structure of the Commission and its positions list in order to approve it according to the applicable rules.
12. To propose the draft legislations related to the Commission's work and submit them to the Council of Ministers.
13. To Issue the directions necessary for the administration and management of the Commission, including those related to the tasks of the Board's members and their authorities.
14. To establish the necessary committees to assist the Board in carrying out its tasks provided that the decision establishing such committees includes the number of its

members, tasks and decision making mechanism.

15. To approve the Commission's final financial statements and the annual draft budget, which has to be submitted to the Council of Ministers for its approval according to the applicable rules.

16. To approve the Commission's activities annual report and submit it to the King, the Council of Ministers, and the Council of Senate and the Council of Parliament.

17. Any other issues related to the Commission's tasks and its objectives, presented to the board by the Chairman.

b)The Board may contribute in restoring proceeds of corruption activities whether those proceeds where inside or outside the Kingdom and delivering them to their legitimate beneficiaries according to the applicable legislations.

Article 9:

a)The Board shall meet based on an invitation by the Chairman or his Deputy in case of the Chairman's absence whenever there is a need to

hold a meeting. The Board's meetings shall be considered legal, if attended by the majority of its members provided that the Chairman or the Deputy are among the attendees, and the designs of the board shall be taken by a majority.

- b) The Chairman shall name a secretary for the board among the commission's staff in order to organize its agenda, take minutes meetings and document decisions in addition to keeping its records and document.

Article 10:

The Council of Ministers based on a recommendation by the Chairman shall appoint the Commission's Secretary General.

Article 11:

- a) Any person who is aggrieved by the decisions, practices or procedures, of the Public Administration, or its refraining from taking an action, shall have the right to submit a grievance against the public administration to the Commission according to the provisions of this law.
- b) The submitted grievances shall include a summary of the facts and the reasons for

- submitting it and the institution which issued the related decision or took the procedure, using the designated form. The grievance shall be complemented with the supporting documents if available. The grievance form shall be signed by the complainant or his/ her legal representative.
- c) The Commission shall start investigating the grievance submitted to it and the Board shall issue its decision of accepting or dismissing the grievance within fifteen days from the submission day .The Board's decision of accepting or dismissing the grievance shall be reasoned.
 - d) In case the Board accepted the grievance ,it shall delegate the Chairman or one of its members in order to take the necessary procedures to solve the issue in any means it deems appropriate and without delay.
 - e) The Chairman or the member, to whom the grievance is referred, shall be subject to the provisions of recusal and incompetency stated in the Civil Procedures Law.

Article 12:

- a) If it turns out that the grievance submitted according to the provisions of this law,

constitutes a crime, in such case the Board has to refer the file to the competent public prosecutor or to the competent court.

- b)The grievance shall not be accepted after six month of the alleged incident. The Board may decide to accept such grievance after the elapse of the said period if it found that its subject relates to a public issue.

Article 13:

- a)If the Board finds after completing its procedures, that the Public Administration's decisions or procedures or its refraining from taking an action include one of the following:

1. Violation to the applicable legislations.
2. Unfairness, arbitrariness, inequality or discrimination.
3. Based on illegal directions or unfair procedures.
4. Negligence, fault or error.

In such instances, the Chairman shall draft a detailed report about the related incident and send it to the complained against Public Administration and he shall have the right to submit the recommendations he might deem appropriate regarding the grievance subject matter.

- b) The Public Administration has to respond within fifteen days from the date it receives the report stated in paragraph (a) of this article, and it might request the Chairman to extend the deadline for a similar period.
- c) If the Public Administration declined to respond during the period stated in paragraph (b) of this article or refused to take the necessary procedures or a dispute took place between the Commission and the Public Administration, in such instances, the Chairman shall refer the issue to the Council of Ministers in order to take the appropriate decision.

Article 14:

- a) The Chairman shall have the right to appoint one or more liaison officers at the Public Administration, in order to investigate its adherence to the national integrity standards and legislations, and to follow up on the grievances submitted against its decisions.
- b) The liaison officer shall have the right to attend the procurement and tenders' committees meetings or any other committees' meetings without having the right to vote on decisions.

- c) All issues related to the liaison officer shall be defined through directives to be issued by the board.

Article 15:

- a) The Public Administration shall adhere to the principles of transparency related to disclosure and openness while performing its organizational and procedural duties and in hiring its staff in addition to its internal, external and contractual relations.
- b) The Public Administration shall provide a special window in order to provide public information to the citizens in accordance with related applicable legislations.

Article 16:

- a) For the purposes of this law, the following acts shall be deemed as corruption:
 - 1. Crimes contrary to public office duties and crimes contrary to the public trust as stipulated in the Penal Code.
 - 2. Economic crimes as specified under the Economic Crimes Law.
 - 3. Illicit Enrichment.

4. Undeclaring or undisclosing of investments or properties or benefits that may lead to conflict of interest if laws and regulations require that, of which personal benefits can be directly or indirectly gained for him who refrained from declaring.
 5. Any act or refrainment which might result in wasting public funds or Public shareholding companies funds or non-profit companies or societies .
 6. The abuse of authority contrary to the provisions of the law.
 7. The acceptance of nepotism and favoritism by public administration employee's, which revokes a right or validates what is void.
 8. Using the information available due "*ex officio*" in order to secure personal gains.
 9. The corruption crimes stipulated in the international agreements, ratified by the Kingdom.
- b) Subject to what is stipulated in paragraph (a) of this article, the Commission shall have no jurisdiction over:

1. Disputes and complaints between individuals.
 2. The complaints which fall under the Jurisdiction of any other official control body, which is obliged if it came across a criminal act during its performance of its duties to refer the perpetrator of such act to the public prosecution.
 3. The complaints and grievances which are subject to administrative and judicial objections.
- c) The special provisions stipulated for in the relevant legislations shall apply in the event that the defendant in a corruption case was one of the persons that the Constitution or the relevant legislations require special forms or procedures for investigating or for judicial prosecution.

Article 17:

- a) Notwithstanding the Provisions of any other law the Public Prosecution shall have a prosecution department specialized in corruption cases, which shall have the mandate over the cases referred to it by the Board.

- b) At the beginning of each year, The Judicial Council shall name the public prosecutors who shall serve at the specialized public prosecution department, stated in paragraph (a) of this article.

Article 18:

The Chairman may request the delegation or secondment or assignment of any of the Public security or military officers or any officers from any ministry or public institution or department, in order to serve at the Commission, according to the applicable legislations.

Article 19:

The Chairman and Members shall have the capacity of the judicial police, for the purpose of carrying out their duties, and the Board shall determine the Commission's employees who shall enjoy such capacity.

Article 20:

- a) Taking into consideration the provisions of the applicable legislations, the Commission in the course of carrying out its tasks, shall have the right to request any data or information or documents from any other party. Such party shall

respond to the request without any delays subject to legal liability.

- b) The unjustified refrain from or delay in providing the data or information or documents requested according to paragraph (a) of this article, is subject to punishable by imprisonment for a period not exceed three months or a fine not exceeding five hundred dinars.
- c) The Commission during the course of its investigation of any corruption case may entrust any person or company or specialized party, to carry out the technical, financial and administrative audit on related parties under the provisions of this law, in order to verify the validity of its financial statements, records, accounts and all financial transactions.

Article 21:

Notwithstanding the Provisions of any other Legislation, the Commission is obliged to issue its decisions during a period not exceeding three months from the date the inquiry and investigation procedures starts, and if necessary the board may extent such period for additional similar period.

Article 22:

- a) All data, information, documents and its copies, which are received by the Commission or viewed by any of its staff members due “*ex officio*”, shall be considered confidential and shall not be disclosed or shown or allowed to be viewed by anyone, unless in accordance with the provisions of the law.
- b) Without prejudice to any aggravated penalty stated in any other legislation, any person who violates the provisions stated in paragraph (a) of this article, shall be punished by imprisonment for a period not less than one year.
- c) The provisions of this article shall be applicable to all the Commission’s staff members stipulated in articles (18) and (20/c) of this law, even after they leave their official post at the Commission or after the end of their mission.
- d) Notwithstanding the Provisions of any other Legislation, any public official who has in his/her possession evidences related to the existence of corruption and did not report it to the competent authorities, he/ she shall be punished by imprisonment for a period not less than four months or by a fine not less than five

hundred Dinars and not exceeding five thousand Dinars or by both penalties.

Article 23:

a) Without prejudice to any aggravated penalty stipulated in any other legislation, any person who commits any of the acts and conducts stipulated in Article (16) of this Law shall be subject to the punishment of imprisonment for a period not less than four months or a fine not less than five hundred Dinars and not exceeding five thousand Dinars or by both penalties. In case of repetition the penalty shall be increased by half.

b)

1. Each contract or agreement or privilege obtained as a result of corruption act shall be subject to annulation or rescindment by the competent court.

2. Each concession obtained as a result of corruption, shall be Ineffective decision by the competent court and the competent authorities shall nullify the law granting such concession according to the procedures stipulated in the constitution.

3. The Commission during its investigation as an expedited measure, the competent court to suspend any contract or agreement or privilege or concession where it deems it apparent from the face value of the evidence that it was obtained as a result of an act of corruption, until the issuance of a decision in the case.

Article 24:

a) The Commission shall provide the needed protection for whistleblowers, witnesses, informants and experts in corruption cases and for their relatives and other persons who are closely related to them from any likely assault or reprisals or intimidation, through the following:

1. Provide them with protection at their places of residence.
2. Non-disclosure of information related to their identities and whereabouts.
3. Giving statements and testimonies through the use of modern communications technology to ensure their safety.
4. Protecting them in their places of work and immune them from any discrimination or ill treatment or arbitrary dismissal.
5. Provide them with accommodation when necessary.

6. Take any measure or action necessary to ensure their safety.
- b) Applications for providing protection shall be subject to the Board's discretion and in accordance with the conditions surrounding the persons requesting such protection, provided that such protection shall be lifted once the circumstances that led to the imposition are no longer applicable.
 - c) All issues related to the provision of protection for witnesses, whistleblowers, informants, experts and their relatives and persons who are closely related to them, shall be regulated pursuant to a regulation to be issued for such purpose.
 - d) Notwithstanding the provisions of any other legislation, the Chairman may disburse financial aid for whistleblowers, witnesses and informants according to Instructions to be issued by the board for such purpose.

Article 25:

Protection granted by the Board shall be dropped in the event of violating any of the protection conditions or if the person who was granted protection commits any felony or misdemeanor involving moral turpitude.

Article 26:

- a) Any person who discloses information related to the identity or whereabouts of whistleblowers, witnesses, informants or experts shall be subject to the punishment of imprisonment for a period of not less than six months and not more than a year and a fine not exceeding ten thousand Dinars.
- b) If the discloser stipulated in paragraph (a) of this article, led to causing offense against any of the persons stipulated in the same paragraph, the disclosing person shall be considered as an accomplice to the crime and shall be punished by the same penalty stated for the perpetrator.

Article 27:

Without prejudice to any aggravated penalty stipulated in any other legislation, any person who assaults whistleblowers, witnesses, informants or experts due to their actions of revealing corruption, or mistreats or discriminates or prevents them from testifying or reporting on corruption, such person, shall be subject to punishment by imprisonment for not less than one year, and in case of use of force or threat by weapon or any other physical means of

coercion, the penalty shall be imprisonment for a term not less than two years and a fine not exceeding ten thousand Dinars.

Article 28:

- a) The accomplice or accessory or inciter in corruption crimes shall be punished by the same penalty stated for the perpetrator.
- b) Any perpetrator or accomplice or accessory or inciter in corruption crimes shall be exempt from two-thirds of the sentence should he/she provide to the Commission or to the competent authorities with any information or proof or evidence that leads to asset recovery from corruption cases.
- c) Immunity from prosecution shall be granted to any of the above-mentioned persons in paragraph (b) of this article if they provide information prior to the discovery of the corruption.

Article 29:

Notwithstanding the Provisions of any other Legislation, the issuance of a court decision to drop the lawsuit for public right or cessation of prosecution or amnesty due to punitive exemptions or

lack of responsibility does not preclude the litigation to recover the proceeds of corruption.

Article 30:

The Commission may establish a trust account at the Central Bank named (Reconciliation and Settlement Trust Account) designated for preserving, and managing assets, and benefits resulting from corruption crimes restored or seized until its delivery to its lawful beneficiaries.

Article 31:

a) The Commission shall have a separate budget; where its fiscal year starts on the first day of January of every year and ends on the thirty first day of December of the same year.

b) The Commission's financial resources shall consist of:

1. The annually allocated amounts for the Commission in the public budget.
2. Aid, donations and grants, and any other sources decided by the board to accept provided that the approval of the Council of Ministers if the source of the fund is non-Jordanian .

- c) The Commission's budget shall be subject to the Auditing of the Audit Bureau.

Article 32:

The Commission shall enjoy the exemptions and facilities which are enjoyed by the ministries and governmental departments.

Article 33:

- a) The commission shall apply The Civil Service Regulation, Supply Regulation, the Financial Regulation, the Public Works Regulation, the Travel and Movement Regulation, which are applied by the ministries and governmental departments.
- b) For the purposes of applying the provisions of paragraph (a) of this article, the Chairman shall practice the authorities of the competent minister and the Secretary General shall practice the authorities of the secretary general stipulated in the regulations stated in the said paragraph.

Article 34:

- a) The following shall be considered null and void:
1. The Ombudsman Law number (11) of 2008.

2. The Anti-Corruption Commission Law number (62) of 2006.

- b) The regulations and instruction issued based on such laws shall be applied until it is nullified or amended or replaced by other regulations and instruction according to the provisions of this law.
- c) The Commission shall be the legal and actual successor for both of the Ombudsman Bureau and the Anti-Corruption Commission and all their assets shall be devolved to the Commission, and also all their rights and obligations. The staff members of both the Ombudsman Bureau and the Anti-Corruption Commission shall be transferred to the Commission and their services at the Commission shall be considered a continuation of their previous services.
- d) The Anti-Corruption Commission Board, which exists when this law comes into force, shall practice the tasks of the Board until its establishment according to the provisions of this law and the Chairman of the Anti-Corruption Commission shall practice the tasks and authorities of the Chairman until the appointment of a Chairman according to the provisions of this law.

Article 35:

The Council of Ministers shall issue the necessary regulations to implement the provisions of this law.

Article 36:

The Prime Minister and Ministers are in charge of implementing the provisions of this Law.