Draft Law On Graft Body Has Defaults

GOPAC Submits Opinion On Legislation

KUWAIT CITY, June 8: Former MP, Chairman of Global Organization for Parliamentarians Against Corruption (GOPAC) Dr Nasser Al-Sane', said GOPAC's Kuwait office has submitted an opinion on the transparency legislation to control corruption and made some important observations, reports Al-Qabas daily.

These observations are aimed at guaranteeing the independence of the proposed Honesty Authority from the Executive Authority's dominance.

However, the draft law to establish the Public Authority to Control Corruption includes a number of defaults that are clarified as follows:

Firstly, the difficulty of being independent and neutral as the proposal is aimed to establish an independent and neutral authority as mentioned in Article No 3. Yet, the appendix of Article No 1 says the authority is affiliated to the Cabinet.

In addition to this the Minister of Justice supervises it and nominates the members to the Council of Trustees. Thus, it can no longer be independent.

Secondly, the proposal opposes the principle of separating the powers of the authorities. Article No 1 of the draft law attaches the authority to the Cabinet. It is the first time to attach such a system to the Cabinet.

Yet, in this case, there is a kind of perplexity because the draft law proposes the establishment of a surveillance system inside the executive authority.

He went on to say the proposal of establishing the authority to control corruption does not include any article that guarantees protection to those who file reports against the corrupt individuals or authorities although it is vital point to encourage people to inform the authority about any malpractices committed by violators.

Furthermore, he said the Article No 25 includes penalties not equal to the crimes of corruption since the article imposes maximum a 5-year imprisonment and a fine of maximum KD 10,000 or any of the two penalties against anyone who refuses to provide the authority with information and documents required in corruption cases.

He stressed these penalties are not equal to the amount of the financial corruption in which millions of dinars might be stolen.