THE LAW ON ASSETS & INTERESTS DECLARATION & PUNISHMENT OF ILLICIT ENRICHMENT

Supportive Measures for Effective Implementation

TRANSPARENCY INTERNATIONAL LEBANON - NO CORRUPTION

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INTRODUCTION

More than twenty years after issuance of Law no.154 on Dec. 27, 1999, which was merely ink on paper back then, law no.189 on Assets and Interests Declaration and Punishment of Illicit Enrichment came out on Oct 16, 2020.

The qualitative amendments embodied in the new law are of utmost importance as they manifest a thorough modification as per the number of persons who are now subject to the law, and those who are obligated to file declarations, in addition to the timing and periodicity of submission of those declarations. Futhermore, the new law n.189/2020 has reshaped the elements of illicit enrichment and the due process of consequential prosecution, turning them easier and more effective, yet still lacking adequate enforcement.

There is no doubt that a rapid and effective implementation of anti-corruption laws is uncommonly witnessed, as those committing corruption crimes would do their best, at the very least, to obstruct the law or bar its application.

In light of the above, it has become essential to think up pragmatic solutions that aim, as possible, at implementing provisions of the new law in order to reach the ultimate goal of exposing illicit enrichment, prosecuting perpetrators and bringing them to justice, besides confiscating the illicitly acquired funds and returning them to their rightful owners- foremost of which is supposedly the Lebanese State. Yet, achieving this certainly requires invoking other relevant laws, inter alia, the law on access to information no.28, dated feb.10th, 2017, later amended by law no.233, dated July 19th, 2021, and the Whistle Blowers Protection law no. 83, dated Oct. 10th, 2018 later amended by law no.180, dated June 12th , 2020.

In relation to the above, the following question springs to mind:

What are the most prominent supportive measures for the implementation of law no.189/2020, as per enforcing the assets and interests declaration system, and prosecuting the crime of illicit enrichment?

To answer this question and unveil those measures, this research paper will be divided into two main sections. The first section will explore the measures supporting implementation of the legal provisions related to the declaration of assets and interests, and the second section will discuss the measures supporting implementation of the legal provisions related to the crime of illicit enrichment.

Section I – Supportive Measures for implementing the provisions related to Assets and Interests Declaration

The main purpose of enforcing a system for declaring assets and interests in accordance with law no.189/2020 is to put in place a legal mechanism that enables a quantitative comparison of a public official's properties at the time of assumption of office as juxtaposed to any time afterward, in order to identify any unexplained increase in wealth. Such a scientifically supported system finds its legal foundation in the international standards enshrined in the United Nations Convention against Corruption (2005), notably in article 20 titled "Illicit Enrichment", which stipulates that State Parties shall consider adopting legislative and other measures as may be necessary to criminalize the willful illicit enrichment of a public official, i.e., a significant increase in his assets that cannot be reasonably explained if compared to his lawful income.

In light of the foregoing, several pertinent questions shall be examined:

Is there an authority entitled to access the information submitted in the aforementioned declarations and thus conduct the quantitatve comparison required to expose the crime of illicit enrichment? If so, which authority is it?

By reviewing article 5 of law no.189/2020, it is clear that once **the National Anti-Corruption Commission** is formed, declarations of assets and interests must be deposited before the Commission in conjunction with receipts, and stored in the latter's physical and electronic records.

Furthermore, paragraph "C" of article 18 of law no.175, dated May 8th, 2020, on Combatting Corruption in the Public Sector and Establishing the National Anti-Corruption Commission, entrusts the latter with the prerogatives of storing, managing, and verifying the aforementioned declarations in accordance with the provisions of the illicit enrichment law. It is therefore evident that **the authority empowered by law** to access the prediscussed declarations is the National Anti-Corruption Commission. Neverthless, the latter's task is not limited to this scope, but rather extends to conducting the necessary analysis to monitor any significant increases in assets that are disproportionate with the public official's income.

In this context, the obvious questions stemming from the above would be:

Has the National Anti-Corruption Commission been estabished and has it been equipped with the necessary infrastructure, tools, and resources to carry out the technical functions associated with the legal work? Has it initiated its operations?

As a matter of fact, and after its establishment by virtue of law no.175, dated May 8th, 2020, the Commission was constituted via the Council of Ministers decree no. 8742, dated January 28th, 2022.Yet, since that time, the National Anti-Corruption Commission has been stuck in a "standby" mode as a result of multiple factors including shortage of logistics, personnel, and the electronic equipment necessary to carry out its responsibilities, let alone building the capacities of its members, staff and agencies to ensure implementation of its various operations. Moreover, the Commission has not been able to adopt its bylaws, pending approval of the State Council, as per article 9 of law no.175/2020. Actually, after the Commission had submitted its draft bylaws to the State Council, the latter requested that the Commission secures the opinion of the Civil Service Council and that of the Ministry of Finance. The Commission got hold of the Civil Service Council's viewpoint, yet is still awaiting that of the Ministry of Finance. The importance of assuming the bylaws lies in the fact that those encompass the detailed rules and procedures that govern the commission's units, workforce, and financial management, along with the powers of each of the president, vice president, and other keypersons on board.

However, albeit these hurdles, and by virtue of certian laws such as the law on Access to Information, it remains possible to ask for information from the National Anti-Corruption Commission and/or the administrations that the concerned public officials belong to, about the numbers and/or names of those who have filed the declaration forms. Such requests may include the following:

1. Request to the Civil Service Council for information related to public officials who actually submitted their declarations as compared to those who are legally bound to declare.
2. Request to the National Anti-Corruption Commission for information regarding its issuance of the circular during the first month of each year, as per article 6 of law n.189/2020.
3. Request to the above mentioned Commission for information about whether it has notified all obligated public officials of their duties to swiftly submit their declarations if the set legal deadlines have been surpassed for compliance.
4. Request for information to the Commission as to whether it has notified, on the one hand, the administrations incompliant public officials are affiliated to, and, on the other hand, the chief financial accountant or the person delegated for disbursing the public officials' imbursements, to cease all types of payments including salaries, dismissal indemnities, and end-of-service indemnities. As soon as this notification takes place, the payment of salaries and other financial dues shall be immediately halted until the financial accountant in charge is re-notified by the Commission of a reimbursement authorization after ensuring that the concerned officials have proffered the required declarations in alignment with the specified rules.

The approach described above has been previously affected by the Lebanese Cabinet's decision no.17, dated May 12th, 2020, pertaining to immediate measures to combat corruption and recover the funds derived from it. The fifth measure enshrined within is related to activation of article 4 of the previous illicit enrichment law no.154/99. Yet, it is worthwhile noting that the repeal of law no.154/1999 has not affected the content of the Cabinet decision, which remains in effect according to the new law. In that context, the fifth measure states the following:

1. Verifying with the Constitutional Council the submission of declarations required by article 4 of the illicit enrichment law when assuming positions of the President of the Republic, the Speaker, the Prime Minister, ministers, and deputies, including those whose terms of office have ended for any reason, and those who held these positions after Dec. 27th, 1999, and upon their exit off office.
2. Requesting all concerned ministries and administrations to prepare a list of the names of judges, employees, and those in charge of public service within its staff since Dec. 27th,1999, including those whose services were terminated for any reason, and then verifying with their competent authorities, that declarations were submitted upon assumption of the public office or service and after its termination.
3. All concerned administrations shall prepare an electronic database of names of the filers, without exposing the content, according to a mechanism established by each administration, in line with its course of action and resources. The said database shall be published on the official website of each administration, pursuant to the law on Access to Information and its amendments.

In the event of implementation of the aforementioned fifth measure, the Prime Minister issued Circular no.18, dated June 2nd, 2020[1], addressed to all ministries and public administrations regarding the application of article 4 of illicit enrichment law no.154/99. The circular stated that: "Pursuant to Cabinet Decision no.17, dated May 12th, 2020..., all concerned ministries and administrations are requested to prepare a list of the names of judges, employees, and public officials within their staff since Dec. 27th, 1999, including those whose services were terminated for any reason, and then verify with their competent authorities, that they have submitted the declarations required by article 4 of the illicit enrichment law whilst they assumed public office or service, and after its termination, provided that a report is submitted to the Council of Ministers in this regard **within a maximum of one month** after which legal consequences shall be imposed on the insubordinates. In addition, the refered-to administrations shall prepare an electronic database encompassing the names of the filers, without disclosing declarations content (pursuant to article 4 of the illicit enrichment law), in a manner aligning with its course of action and resources. The aforementioned database is published on the official website of each administration, in line with the Access to Information Law.

1 Published in the Official Gazette, Issue /25/, dated 11/6/2020.

To pragmatically enforce the prevenient issues, **the Illicit Enrichment Working Group emanating from civil society organizations, that was launched on Feb. 2nd, 2023, by Transparency International – Lebanon,** sent thirty one information requests to thirty concerned authorities in addition to the National Anti-Corruption Commission, to obtain information about those who filed the statements and who did not follow through. Those requests were responded to by the Constitutional Council, Presidency of the Republic, the Druze Confessional Judiciary, Civil Service Council, Ministry of Education and Higher Education, the State Shoura Council, the Religious Jaafari Court, Ministry of Displaced Persons, Ministry of Finance, and the Prime Minister's Office[2].

What is the importance of the above procedure?

The significance of such a procedure is manifested in the fact that the National Commission's inability to carry out its functions does not completely bar or impede obtaining data regarding figures or names of filers. This also indicates that confidentiality of the statements content provided by law no.189/2020 does not extend to the names and numbers of the filers. Another significance is that enforcing this mode of action enables **activation of law no.189/2020**, specifically article 7 therein, which imposes **an explicit penalty for failure to file the statement** whereby the uncompliant **state-official shall be deemed resigned and shall be deprived of all types of financial rights** including salaries, dismissal indemnity, end-of-service indemnity, and other indemnities. To ensure enactment of this legal provision, concerted efforts must be ensured to link computers of the various concerned administrations with a statistical basis network, and create electronic interfaces that allow reporting, halting payments, and detecting loopholes, under the umbrella of digital government and good governance.

Based on the above, the National Commission is called upon, as soon as it commences its work, to **establish a statistical database that includes all state officials bound to file statements of assets and interests,** and to publish a list of both compliants and non-compliants. Hence, upon publishing the list on the Commission's website, each administration shall be compelled to apply the procedures codified in the aforementioned article 7 of law no.189/2020 against the incompliants. This, of course, calls for firming up the human, technical, and financial resources of the Commission in order to enable it to perform its tasks effectively, especially since it is entrusted with receiving, storing, managing, and verifying statements of assets and interests.

2 Transparency international, Lebanon, Instagram page.

Section II – Supportive Measures for implementing legal provisions related to the crime of illicit enrichment

A closer examination of the legislative and non-legislative measures that support application of legal provisions related to illicit enrichment calls for:

- Addressing the Cabinet's decision on immediate measures to combat corruption, no.17, dated May 12th, 2020,
- Revisiting law no.189/2020,
- Discussing the amendments brought by law no. 306/2022[3].

These supportive measures shall be tackled in each of the following successive axes:

A- Cabinet Decision no.17, dated May 12th, 2020 on Immediate Measures to Combat Corruption:

The Sixth Measure of the Cabinet's Decision no.17, dated May 12th, 2020, concerning immediate measures to combat corruption consolidates the formation of a specialized committee, by the Council of Ministers, to conduct a comprehensive survey of the wealth of all persons who have held or are currently holding constitutional, judicial, administrative, or military positions, including those mentioned in each of article 2 of the law on Access to Information no.28/2017 and article 32 of the 2020 Budget Law, along with their spouses and minor children. This committee is also entitled to prepare detailed reports on the manifestations of the aforementioned persons' wealth, according to the detailed mechanism below. The Cabinet shall determine the criteria and principles to be adopted for the appointment of the committee members. The aforementioned mechanism states the following:

1 The committee shall determine the standards and bases upon which information on wealth or its manifestations is collected, legitimate resources are determined, and shall additionally identify the criteria to be approved for determining the exorbitant disparity between legitimate resources and apparent wealth, besides the means for examining information and referring it to the competent authorities.

3 The law amending some articles of the law issued on 3/9/1956 related to banking secrecy, and Article /150/ of the law executed by Decree No. 13513 dated 1/8/1963 and its amendments (Code of Money and Credit), and Article 23 of Law No. 44 dated 11/11/2008 and its amendments (Tax Procedures Law), and Article 103 of Legislative Decree No. 144, dated 6/12/1959 and its amendments (Income Tax Law).

2 The competent authorities, ministries, and administrations are required to provide the committee- in alignment with the administrative measures exempt from fees- with information on what is owned, acquired, or used by each person mentioned in the lists referred by the committee, notably:

- Property registered in the real estate registry under the names of those concerened or one of the family members mentioned in the preceeding paragraph, or under the names of companies any of the aforementioned persons holds shares in.
- Real estate property transferred through the power of attorney or contracts not registered neither in their own favour nor in that of a family member, nor in favor of companies any of the described persons holds shares in.
- Shares in commercial or civil companies extracted from all commercial registries.
- Shares in land, sea, and air-transport companies from the concerned administrations.
- Any other wealth manifestation inconsistent with the legitimate income of the pertinent persons, exerting due regard to provisions of the Banking Secrecy Law.
- Other movable or immovable property located abroad, information on which is obtained from relevant ministries and other competent authorities abiding by due processes.

3 The Committee collects the information received and prepares reports to be sent successively, when necessary, to the competent supervisory and/or judicial bodies that would take the proper legal action, provided prescription rules regarding possible legal actions are taken into account.

4 The committee determines the stages of information collection and reports organisation, on the top of the list being persons who deal directly with public funds, and those who had held relevant tasks during the last ten years- as of the date of issuance of the General Amnesty Law no.83/1991.

5 Information collected in accordance with the Current Measure shall not disregard any donation or sales contracts taking place after Jan.1st, 2020 by the above-mentioned persons as part of their wealth. Hence, any property pertinent to those contracts shall be included in the concerned person's wealth and therefore in the survey.

Mindful of what has been explained, it becomes clear that this mechanism, if applied, shall constitute an effective means for identifying illicit enrichment cases among persons cited in the above-stated Council of Ministers decision, safe in the knowledge that they are subject to law n.189/2020 as they are deeemd public officials according to the definition of the first article thereof[4]. It is worthwhile noting that the content of the sixth measure previously referred to still stands today based on law no.189/2020.

4 Public official: any person performing a public function or service, whether appointed or elected, permanent or temporary, paid or unpaid, in any person of public law or private law, at both the central and decentralized levels, and in general any person who performs In the interest of a public property, a public enterprise, a public utility, a public institution, a public interest, or a public fund, whether owned, in whole or partially, by a public law person, and whether legally or factually held, including any position of constitutional authority, or any legislative, judicial, executive, administrative, military, financial, security, or advisory position.

B- Law no. 189, dated Oct 16, 2020, on Assets and Interests Declaration and Punishment of Illicit Enrichment:

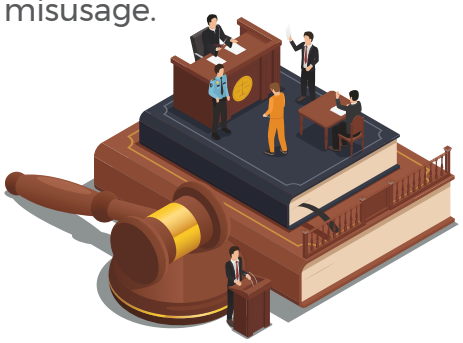
By referring to law no.189, dated Oct.16th, 2020, on Assets and Interests Declaration and Punishment of Illicit Enrichment, it is clear that article 10 thereof considers as one person each of the spouse and minor children, as well as pseudonym persons and/or trustees and/or guardians through sequential acquisitions or other sequential indirect means of control- in Lebanon or abroad - in order to implement the provisions of the first paragraph thereof[5]. Accordingly, what is owned by the other persons specified in article 10 can be deemed included in the wealth of the public official per se, and consequently, the element of increase shall be considered.

The spoken-of earlier law **stipulates other guarantees that facilitate filing illicit enrichment lawsuits,** combined with the provisions of law no. 175/202, largely:

- Notifications and complaints submitted to and from the National Anti-Corruption Commission are gratis and do not require any guarantee.
- The direct claims of the affected person before the competent judiciary are conditional by a bank guarantee of three million lebanese pounds. This guarantee shall be confiscated to the treasury and deposited in a special fund at the Ministry of Justice in the event that the lawsuit is dismissed by a final decision and the plaintiff is considered abusive in claiming his/her rights. Otherwise, the guarantee shall be returned to the plaintiff.
- The criminal prosecution shall not be extinguished in the event of resignation, dismissal from service, referral to retirement, termination of service, placement by disposal, or similar employment conditions, or even the end of the period of public service tenure.

In alignment with the above, article 12 of the subject matter law stipulates that in the event of suspicion that the funds at play are related to illicit enrichment, the investigating judge and the competent court can both, d'ufficio:

- Freeze the accounts of the concerned public official for a period of six months, renewable for a similar period.
- Place an encumbrance on entries and registries pertaining to movable or immovable funds, indicating that these funds are the subject of an examination by the investigating judge or the competent court. This signal remains valid until a final judgment has been issued by the competent court to prevent trial or to declare innocence.
- Take precautionary measures with regard to movable and immovable funds that lack records in order to control their misusage.



5 A- It is considered illicit enrichment every significant increase in the financial liability that occurs in Lebanon and abroad after assuming a public position of any public official, whether he is subject to the declaration or not, when this increase cannot be reasonably justified in relation to his legitimate resources. The aforementioned lack of justification is considered an element of the offence.

C- The Law Amending Some Articles of the Banking Secrecy Law of Sept.3rd, 1956:

Law no. 306, dated Oct. 28th, 2022, contains a qualitative amendment to the Banking Secrecy Law of Sept. 3rd, 1956. This amendment is embodied in article 7 thereof, according to which banks can no longer invoke professional secrecy or banking secrecy, but rather **have become impelled to submit all intreated information** upon receiving a request from:

- The competent judiciary: in lawsuits related to corruption offences and money-related crimes as per each of the penal law, the offences stipulated in article 19 of the Code of Criminal Procedures, and the offences specified in article 1 of law n.44/2015 on Anti- Money Laundering and Terrorism Financing, in addition to illicit enrichment lawsuits based on law no.189/2020.
- The Special Investigation Commission as per law n.44/2015.
- The National Anti-Corruption Commission as per law n.175/2020 on Combatting Corruption in the Public Sector and the Establishment of the National Anti-Corrption Commission.
- The Tax Administration for combatting tax evasion, and for tax compliance and auditing, in accordance with the law of Taxation Procedures no.44, dated Nov. 11th, 2008 and its amendments.
- Each of Banque du Liban established by virtue of the law executed by Decree no.13513, dated Aug.1st, 1963 and its amendments (Code of Money and Credit), as well as the Banking Control Commission and the National Institute for the Guarantee of Deposits, established under law no.28, dated May 9th, 1967 and its amendments (Amending and Completing Legislation and Establishing a Mixed Institute for the Guarantee of Deposits), with the aim of restructuring the banking sector and exercising its supervisory role thereon. The above-mentioned parties may exchange information for that purpose.

Accordingly, and for the above reasons, the request to lift banking secrecy is no longer confined to the Special Investigation Commission but has also been allocated to the competent judiciary in the course of examining lawsuits of illicit enrichment filed on the basis of law no.189/2020. The term "competent judiciary" includes public prosecutors, investigative judges, and criminal courts, without any limitations in terms of geographical jurisdiction. As a consequence, the **Lebanese judiciary** is no longer restricted in this regard but is **now called upon to effectuate the necessary requests to obtain information in relation to bank accounts held by suspects of corruption in general and illicit enrichment** in particular. To emphasize the importance of responding to such requests, the lebanese legislator was keen to impose **penal sanctions against those who fail to implement this obligation** so that they undergo the sanction stipulated in the first clause of article three of law no. 44, dated November 24, 2015[6].

6 Article 3 of Law 44/2015: "Whoever undertakes or attempts to undertake or incites or facilitates or intervenes or participates in:
1- Money-laundering operations, shall be punishable by imprisonment for a period of three to seven years, and by a fine not exceeding twice the amount laundered."

This penalty shall be aggravated, as per article 257 of the Penal Law, in the event of failure to respond to any of these requests in a period exceeding thirty days from the date of its receipt, or in the event of recurrence. Any of the authorities stipulated in the above-mentioned article 7 of law no.306/2022, is entitled to refer to each of the Higher Banking Commission established at the Banque du Liban, and to banks that deliberately refuse to provide the required information within the period specified in the requests addressed to them. The purpose of such referral is to take legal measures against them as per article 208 of the Code on Money and Credit[7], within two weeks of referral. Judicial prosecution does not preclude disciplinary and administrative measures imposed by oversight and regulatory bodies in accordance with their laws and regulations.

Judicial prosecution does not preclude disciplinary and administrative measures imposed by oversight and regulatory bodies in accordance with their laws and regulations.

It is significant to note that article 11 of law no.189, dated Oct 16, 2020 clearly states that prior permissions or licenses mentioned in laws do not obstruct criminal prosecution for illicit enrichment offences, notwithstanding any text to the contrary.

In addition to the Public Prosecution Office at the Criminal Justice, there is the Public Prosecution Office at the Court of Audit, assisted by employees carrying out their duties under the former's supervision. This Public Prosecution Office is specialized in prosecuting financial violations referred by competent authorities, such as the Central Inspection Body. The Public Prosecutor at the Court of Audit may also ask the Public Prosecution at the Criminal Court of Cassation to prosecute any employee suspected of committing or participating in a crime that may damage the public administration, the public funds, or the funds deposited in the treasury. The Court of Audit or its Public Prosecutor may assign the Central Inspection to conduct any check or investigation in favour of the public interest.

Hence, the Public Prosecutor at the Court of Audit may effecuate an investigation on any case or even expand the ongoing inquisition therein. The former may listen to employees and witnesses, request the competent administration or agency to provide necessary documents, clarifications, and information, and assign the assistant controller to conduct any local audit related to the case. The Prosecutor may interrogate the employee accused of the violation and hear witnesses, under penalty of a fine, in the event of non-attendance without a legitimate excuse. The Prosecutor may also propose to the above mentioned competent administration or agency the appointment of experts, and may also review every file or document, even the confidential ones as long as they are related to the case under study.

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7 Article 208 (amended by Law 9/5/1967):
Whether a bank violates the provisions of its articles of association, the provisions of this law, or the measures imposed by the Central Bank pursuant to the powers deriving from this law, or provides incomplete or untrue data or information, the Central Bank has the right to inflict the following administrative penalties on the violating bank:
a. Warning.
b. Reducing or suspending the credit facilities granted to it.
c. Preventing it from carrying out some operations or imposing any other restrictions in practice of the profession.
d. Appointing a temporary controller or manager.
e. Delete it from the list of banks.
This does not preclude the application of fines and criminal penalties to which the violating bank is exposed.

CONCLUSION

A boom in anti-corruption legislation has been emerging in Lebanon as of 2015, and since then there has been an unprecedented surge in the number of these bills, unmatched in other scopes and fields, until they have reached a level of legislative inflation. There is no doubt that the Law on Assets and Interests Declaration and Punishment of Illicit Enrichment constitutes a basic pillar of anti-corruption legislation, given the modernity of its provisions and the large extent of compatibility with international standards and good practices in this regard.

Neverthelss, the gap is still extensive between the legal text on the one hand and its application on the other. Despite the easiness of proving the elements of illicit enrichment in light of law no.189/2020, concrete implementation rarely witnesses cases filed before the judiciary.

Henceforth, this research paper sheds light on the most prominent pragmatic proposals that can be adopted to achieve the ultimate goal of the Assets and Interests Declaration System. It also underscores the importance of exhausting all available legal means to galvanize the prosecution of illicit enrichment.

How?

First, it has become crucial for the Cabinet to form a specialized committee to undertake the task of conducting a comprehensive survey of the wealth of public officials referred to in the sixth measure of its Decision no.17, dated May 12th, 2020, and to prepare detailed reports on the manifestations of their wealth, according to the mechanism detailed in the said decision, not to mention operationalizing the entire content of the aforementioned decision.

Second, and having dismantled the impediments that used to stand in the way of prosecuting corruption crimes and culprits by the competent judiciary, there is no longer any legal barrier for the judiciary to play its anticipated role in this context, thus restoring the trust lost some time ago, provided that it is accompanied by awareness raising among jurists and lawyers working in this field to submit relevant cases and thus actuate the provisions of law no.189/2020, in addition to those of law no. 306/2022.

Third, and in tandem with the supra, civil society must mobilize all its efforts to submit requests for information related to the declarations in question - before the competent administrations or even directly before the National Anti-Corruption Commission vis-à-vis the names and numbers of compliant and non-compliant public officials as per filing the declarations, and the dates of submission, keeping in mind their obligation to refile every three years. This is in addition to identifying the administrations that have taken punitive measures against the incompliants and the names and numbers of those sanctioned.

It is important to note that resorting to these supportive measures does not underestimate the role to be played by the National Anti-Corruption Commission in terms of scrutinizing the data declared, notably the accuracy of the estimates of the assets embodied in the declarations, and indications that may raise suspicions of illicit enrichment, conflict of interest, or other corruption crimes.

It is inevitable that all of the above-mentioned should be accompanied by media campaigns on the risks of tolerating corruption and impunity, as well as public awareness programs on the importance of integrity and transparency in managing public funds and reinforcing accountability in case of law violation. This is asserted by article 26 of law no.175/2020 that entrusts the National Anti-Corruption Commission with the power of spreading awareness about corruption, its causes, consequences and ways to prevent it and combat it. This ought to be done through specialized research and programs to educate on and promote integrity and transparency, namely through academic institutions and media, in collaboration with civil society organizations. In this context, it is crucial that the Ministry of Education and Higher Education urges educational facilities, public and private, to include in their programs materials in that direction.

It is true that the journey towards combatting corruption is long, cumulative, and full of difficulties and challenges, neverthelss comparative experiences have proven that many countries have seen promising results, albeit after a lag period. In 2008, Nigeria was able to recover funds derived from corruption from one of the accounts of "Sani Abacha" - the former ruler of Nigeria - in Swiss banks, estimated at about five hundred million U.S. dollars, safe in the knowledge that Nigeria had started this path in 2005[8]. Likewise, the Zimbabwe National Anti-Corruption Commission was able to recover funds from the Principal Director in the Office of the President and Cabinet, Douglas Tapfuma, the former Minister of Energy and Power, Samuel Undenge, and the former CEO of the Zimbabwe Mining Development Corporation, David Murangari[9].

ISN'T IT DUE TIME FOR US TO START?

8 Maguchu, Prosper and Ghozi, Ahmad (2022) "The Role of Civil Society Organizations in Asset Recovery," Indonesian Journal of International Law: Vol. 19: No. 2, Article 5. DOI: 10.17304/ijil.vol19.2.6 Available at: https://scholarhub.ui.ac.id/ijil/vol19/iss2/5, p.11:" It took Nigeria five years to acquire a repatriation judgment from the Swiss authorities because the Abacha family filed multiple appeals and engaged a huge number of attorneys to obstruct or impede the process.37 After a series of negotiations, which led to the World Bank being selected as a neutral party to monitor recovered assets, a total of US$505.5 million of assets were repatriated between September 2005 and early 2006.38 In 2008, Enrico Monfrini, the Swiss lawyer representing Nigeria, reported that US$508 million found in the Abacha family's Swiss bank accounts was sent from Switzerland to Nigeria between 2005 and 2007. By 2018, the amount Switzerland had returned to Nigeria had reached more than US$1 billion."

9 Maguchu, Prosper and Ghozi, Ahmad (2022) "The Role of Civil Society Organizations in Asset Recovery," Indonesian Journal of International Law: Vol. 19: No. 2, Article 5. DOI: 10.17304/ijil.vol19.2.6 Available at: https://scholarhub.ui.ac.id/ijil/vol19/iss2/5, p.4:" Recently, the ZACC made headlines when it successfully recovered assets from Douglas Tapfuma, Principal Director in the Office of the President and Cabinet (State Residence), Samuel Undenge, former Minister of Energy and Power Development, David Murangari, former CEO of the Zimbabwe Mining Development Corporation...".