

Council of Ministers
Decree-Law No. 69 of 2025
Amending Certain Provisions of Law No. 2 of 2016
Regarding the Establishment of Kuwait Anti-Corruption Authority and the Provisions
on Financial Disclosure

- Having reviewed the Constitution,
- And the Amiri Order issued on 2 Dhul-Qi'dah 1445 AH corresponding to 10 May 2014,
- And the Penal Code promulgated by Law No. (16) of 1960, and its amendments,
- And the Code of Criminal Procedure and Trials promulgated by Law No. (17) of 1960, and its amendments,
- And Law No. (24) of 1962 regarding clubs and public benefit associations,
- And Decree-Law No. (24) of 1979 concerning Cooperative Societies, and its amendments,
- And Decree-Law No. (23) of 1990 concerning the Regulation of the Judiciary, and its amendments,
- And Law No. (20) of 2014 concerning Electronic Transactions,
- And Law No. (2) of 2016 regarding the establishment of the Kuwait Anti-Corruption Authority and the Provisions on Financial Disclosure,
- And the Bankruptcy Law promulgated by Law No. (71) of 2020,
- And Decree No. 84 of 2024 concerning ministerial substitutions and delegations of authority, and its amendments,
- Upon the submission of the Minister of Justice,
- And with the approval of the Council of Ministers,

We hereby issue the following Decree-Law:

Article One

The texts of Articles (1, 2, 5 paragraph 2, 6, 9, 14, 32 paragraph 2, and 45 first paragraph) of Law No. (2) of 2016 referred to above shall be replaced with the following:

Article (1)

For the purposes of applying the provisions of this Law, the terms and expressions listed below shall have the meanings set forth next to each of them, unless the context indicates otherwise:

- **Authority:** Kuwait Anti-Corruption Authority.
- **Competent Minister:** The Minister of Justice.
- **Board:** The Board of Directors of the Authority.
- **President:** The President of the Authority and the Chairperson of the Board.
- **Convention:** The United Nations Convention against Corruption.
- **Illicit Gain:** Any increase in wealth or decrease in liabilities that arises—due to holding a position or capacity—affecting the person subject to this law, their minor children, or anyone under their guardianship or custodianship, whenever such change is disproportionate to their resources and unjustified.
- **Public Official:** Anyone holding a civil or military position within government entities, regardless of the nature of their duties or job title, or anyone deemed a public official as defined in Article (43) of the aforementioned Penal Code.
- **Financial Disclosure:** All assets—cash, real estate, or movable—inside and outside Kuwait, held by the person subject to this law, their minor children, or those under their guardianship or custodianship. It also includes any rights they hold, debts they owe or are owed, financial agencies or authorizations issued by them to others or received from others in their favor, and rights of usufruct.
- **Report:** The information or notification submitted to the Authority by a natural or legal person containing information about the commission, attempted commission, concealment of, or disposal of evidence, tools, or proceeds of a corruption offense, or the commission of a serious financial violation.
- **Whistleblower:** The person who reports any corruption offense. This definition also applies to witnesses, victims of the offense, and experts who testify regarding criminal acts of corruption.
- **Proceeds of Corruption:** All types of assets and properties, whether movable or immovable, tangible or intangible, and any profits or returns generated therefrom, obtained by any person directly or indirectly as a result of committing a corruption offense, including documents and legal papers proving ownership or related rights.

Article (2)

The provisions of this Law shall apply to the following categories:

1. The Prime Minister, Deputy Prime Ministers, Ministers, and those holding executive positions equivalent to the rank of Minister.
2. The Speaker, Deputy Speaker, and Members of the National Assembly.
3. The President and Members of the Supreme Judicial Council, the President and Judges of the Constitutional Court, Judges of the Court of Cassation and the Court of Appeal, Judges of other courts, Public Prosecutors, and the President and Members of the Fatwa and Legislation Department.
4. The Director General and Members of both the General Department of Investigations at the Ministry of Interior and the Legal Department of Kuwait Municipality.
5. Arbitrators, experts at the Ministry of Justice, liquidators, judicial custodians, trustees as stipulated in the aforementioned Bankruptcy Law, notaries, and registrars in the Real Estate Registration and Authentication Sector at the Ministry of Justice.
6. The President, Deputy President, and Members of the Municipal Council.
7. The Presidents and Members of boards, bodies, and committees that perform executive functions and whose formation or appointment of members is by law, decree, or decision of the Council of Ministers.
8. The President and Deputy President of the Financial Controllers Bureau, sector heads of the Bureau, and financial controllers.
9. **Leaders**, including:
 - Those holding leadership positions listed under the general salary scale (Distinguished Rank / Undersecretary / Assistant Undersecretary).
 - Members of Boards of Directors, Directors General, their deputies or assistants, and Secretaries-General, their deputies or assistants, in public authorities, institutions, or any government entities.
 - Those equivalent to senior officials, including heads or deputies of public authorities, institutions, or administrative units, or executive board members.

- Department heads and equivalent positions at the level of approved organizational units equivalent to a department or higher.

The provisions of the two preceding paragraphs also apply to military, diplomatic, and civilian personnel in ministries, government departments, public authorities and institutions, and entities with independent or attached budgets, if they bear similar responsibilities or enjoy the privileges associated with such positions—whether appointed permanently or temporarily. The Authority, in coordination with relevant entities, shall periodically identify and update the list of those holding such positions and subject to this Law.

10. The President, Vice-President, Members of the Board, Secretary General, Assistant - Secretaries General, directors, and technical employees of the Authority.
11. The President, Deputy President, Undersecretaries, directors, and technical employees of the State Audit Bureau.
12. State representatives serving on the Boards of Directors of companies in which the State or any public entity, authority, or institution owns, directly, no less than 25% of the capital.
13. Members of Boards of Directors of cooperative societies, and their financial and administrative auditors, as well as officials of sports clubs and associations.
14. Chairpersons, members of the boards, and executive directors of charitable and civil societies.
15. Members of the Legal Affairs Department in the Public Institution for Social Security, the Capital Markets Authority, the Insurance Regulatory Unit, and the Competition Protection Agency.
16. Directors, deputy directors, inspectors, technical employees, members of the Legal Affairs Department, and all persons with judicial enforcement authority in the General Administration of Customs.

Article (5) – Paragraph (2):

Detection, monitoring, and tracking of corruption crimes, as well as identifying acts, incidents, and violations of financial and administrative corruption. The Authority shall also receive reports, complaints, and information regarding corruption crimes and related violations, and shall take the necessary actions to investigate them, conduct preliminary

inquiries, hear statements, and examine such cases. It shall also take the necessary legal action to either archive the case or refer it to the competent investigative authority.

Article (6):

The Authority shall have a Board of Directors composed of five full-time members, appointed by Decree based on the nomination of the competent Minister for a renewable term of four years, to be renewed only once. The Decree shall specify the President and the Vice President among the appointed members. Board members must possess integrity, expertise, and competence in fields related to the Authority's work.

If the position of the President, Vice President, or any member of the Board becomes vacant for any reason, a replacement shall be appointed using the same appointment procedures, and the new member shall serve only for the remainder of their predecessor's term.

Article (9):

If the President, Vice President, or any Board Member commits a serious breach of duty, the competent Minister—after obtaining the approval of the Supreme Judicial Council—shall issue a decision to form a judicial committee consisting of three judges from the Court of Cassation or the Court of Appeal, chaired by the most senior among them, to investigate the violation.

The committee shall submit a reasoned report to the competent Minister within two months, concluding either with the dismissal of the investigated member or with the closure of the case.

Article (14):

The President shall issue a decision specifying the Authority employees authorized to detect and monitor corruption crimes, and to record incidents and violations of financial and administrative corruption. These employees shall be empowered to conduct preliminary inquiries, hear testimonies, gather evidence and information, obtain related documents and papers, and prepare the necessary official reports in accordance with the provisions of this Law, for referral to the competent investigative authority. This decision shall be published in the Official Gazette.

Article (32) – Paragraph (2):

2. The financial disclosure shall be updated within sixty (60) days from the end of every four-year period, as long as the individual continues to occupy any position subject to the provisions of this Chapter.

Article (45) – First Paragraph:

Any person who violates the provisions of Articles (15, 16, 26, 29, or 34 bis) of this Law shall be punished by imprisonment for a period not exceeding three years and a fine of not less than two thousand (2,000) Kuwaiti Dinars and not more than ten thousand (10,000) Kuwaiti Dinars, or by either of these two penalties.

Article Two

A new clause numbered (13) is added to Article (22), and a final paragraph is added to Article (27) of Law No. (2) of 2016 referred to above. In addition, new articles are added to the Law bearing the numbers: (9 bis, 29 bis, 29 bis A, 32 bis, 34 bis, 41 bis, 46 bis, 56 bis) as follows:

Article (22) – Paragraph (13):

13- Offenses stipulated in Decree-Law No. (24) of 1979 regarding **cooperative societies**.

Article (27) – Final Paragraph:

Without prejudice to the provisions of Article (9) of the aforementioned Code of Criminal Procedure, the Authority may carry out preliminary inquiries and hear statements to verify the seriousness of reports submitted to it or facts it uncovers regarding financial and administrative corruption, in preparation for making a proper decision either to archive the matter or refer it to the competent investigative authority.

Article (9 bis):

The Public Prosecution shall have exclusive jurisdiction over the investigation, legal action, and prosecution of offenses committed by the President, Board Members, or any employee of the Authority, when such offenses arise from or are connected to the performance of their duties. The Public Prosecution must notify the Board in advance of investigation schedules and of any measures taken concerning the subject under investigation.

Article (29 bis):

The Board shall issue a reasoned decision by majority vote to archive a report submitted to the Authority if it determines that the report does not meet the required submission criteria, or to refer it to the competent investigative authority.

Such a decision to archive shall not preclude the Authority from taking investigative action at a later stage, if warranted.

Article (29 bis A):

The Authority shall have the right to appeal decisions issued by competent investigative authorities to archive reports referred to them, in accordance with legally prescribed deadlines and procedures.

Article (32 bis):

Subject to the provisions of Law No. (20) of 2014 on electronic transactions, the person subject to this Law shall submit their financial disclosure and any other documents requested by the Authority in the form of an electronic document accompanied by their certified electronic signature, using any modern electronic communication method that is storable and retrievable, in accordance with the rules and procedures set by the Executive Regulations of this Law.

Article (34 bis):

The Authority, after obtaining permission from the Public Prosecution, may require any person—even if not subject to this Law—to submit a financial disclosure, if there is evidence indicating that they have benefited significantly from a corruption offense.

The person shall submit the required disclosure within ninety (90) days from the date of notification.

Article (41 bis):

The Authority is prohibited from disclosing the identity or personal information of the whistleblower, unless required by judicial proceedings or based on prior written consent from the whistleblower.

Article (46 bis):

The Authority may settle offenses related to delays in submitting financial disclosures, provided that the required disclosure is submitted within ninety (90) days following the expiration of the legal deadline or upon notification, as the case may be.

The settlement shall be made in exchange for a payment of KD 100.

Settlement results in the extinction of criminal liability, and no criminal case shall be initiated thereafter.

Article (56 bis):

For the purpose of notifying documents related to the application of this Law and its Executive Regulations, the following methods of service may be used:

1. By means used for serving judicial documents, including electronic service or official process servers.
2. By registered mail with acknowledgment of receipt, or personal delivery by an individual authorized by the Authority.
3. By any other method permitted under applicable laws.

Article Three:

The phrase "Board of Trustees" shall be replaced with the word "Board", and the word "President" shall be replaced with "President of the Authority and Chairperson of the Board of Trustees" wherever they appear in the provisions of Law No. (2) of 2016 referred to above.

Article Four:

Any provision that contradicts the provisions of this Decree-Law is hereby repealed.

Article Five:

Ministers—each within their respective jurisdiction—shall implement this Decree-Law. It shall be published in the Official Gazette and shall enter into force as of the date of its publication.

Emir of the State of Kuwait

Sheikh Mishal Al-Ahmad Al-Jaber Al-Sabah

Acting Prime Minister

Fahad Yousef Saud Al-Sabah

Minister of Justice

Counselor Nasser Yousef Mohammad Al-Sumait

Issued at Seif Palace on 20 Dhul-Qi'dah 1446 AH

Corresponding to 18 May 2025

Explanatory Note

Decree-Law No. 69 of 2025

Amending Certain Provisions of Law No. 2 of 2016 on the Establishment of Kuwait Anti-Corruption Authority and Provisions on Financial Disclosure

In the context of strengthening the framework of transparency and integrity and supporting national efforts to combat corruption, this Decree-Law introduces amendments to certain provisions of Law No. (2) of 2016 regarding the establishment of Kuwait Anti-Corruption Authority and the provisions related to financial disclosure, in order to address gaps identified through practical application and to reflect recent developments.

This Decree expands the categories of individuals subject to the provisions of the law, thereby enhancing the comprehensiveness of anti-corruption oversight. It also adds the offenses specified in Decree-Law No. (24) of 1979 concerning cooperative societies to the list of corruption-related crimes.

The Decree also restructures the governing body of the Authority, naming it the Board of Directors, composed of five full-time members, including the President, Vice President, and three other members.

Furthermore, the Decree entrusts the Board of Directors with the authority to dismiss reports submitted to the Authority if they do not meet submission criteria, through a reasoned decision passed by a majority vote, while also affirming the Authority's right to challenge decisions by investigative authorities to archive such reports.

The Decree also introduces a provision prohibiting the disclosure of the identity or personal information of whistleblowers, except to competent investigative authorities upon request, or with the written consent of the whistleblower. It further introduces a new provision allowing the submission of financial disclosure statements in electronic document format.

To provide necessary safeguards for Authority staff, the Decree grants the Public Prosecution exclusive jurisdiction over the investigation, prosecution, and legal action concerning offenses committed by Authority personnel during or in connection with the performance of their duties, while requiring that the Board of Directors be notified of investigation dates and actions taken.

Lastly, the Decree introduces the possibility of settlement in cases involving delays in submitting financial disclosures, provided the individual complies within the specified grace period and pays the prescribed amount. This is intended to ensure procedural flexibility without compromising principles of justice.