

**Approval of the unjust enrichment
law, issued on September 30, 2020**

The Lebanese Parliament, in its legislative session held at the UNESCO Palace headed by the Lebanese head of parliament, has approved the law on unjust enrichment. The objective of this session was to develop a consensus formula to meet the urgent need to deal with unjust enrichment by establishing appropriate provisions.

After reviewing all the presented reasons, the committee heard the views of the house of representatives, as experts have been tasked from the departments and organizations to coordinate together to reflect the various views presented in the first session by the attendees, in order to reach a unified formula that combines the project and the two presented proposals, in order to prevent conflict and repetition. After deep discussions, it was agreed to amend the title to become the law for disclosure of financial liability, interests and the punishment of unjust enrichment. Also, after listening to the opinions of the representatives, who stressed the issue of combating corruption, and punishing unjust enrichment as an essential entry point to recover the stolen money, it was agreed that the public official should be defined in addition to the conditions that apply to all public officials and their financial rights.

It was also agreed by the majority of the representatives present to lift the immunity before the members of the National Anti-Corruption Commission and to set penalties for those who divulge its secrecy among the members.

The committee then examined in depth the definition of the elements of the offense of unjust enrichment, and linked that to the large increase in the employee's financial assets that occurs in Lebanon and abroad when this increase is reasonably unjustified in relation to his/her legitimate capabilities, and this matter applies to the third person, i.e. the owner of the economic right as well. It was also agreed that the crime of unjust enrichment should not be subject to the passage of time, in order to preserve the prestige of the state, legislation and the public's interest.

Subsequently, the committee approved the two presented proposals for the law and the draft, unanimously by the members present, which has been drafted and amended to become as follows:

A public official shall be defined as any individual performing a public function or interest and the commission shall be the National Anti-Corruption Commission which has its own established law.

The law stipulates that every public official should provide a statement of their financial assets. Thus, every public official shall present the statement signed by him, stating all the elements of his financial responsibility and interests belonging to him, his wife and his minor children, male or female, in Lebanon and abroad in accordance with the provisions of this law. Statements shall be granted in the first two months of the public official's employment, every three years, and two months prior to their end of service. This shall be presented either electronically or through hard copy including an inventory of the entire financial liability and interests in Lebanon and abroad and any income provided by the civil service. This also includes movable and immovable properties in Lebanon and abroad, any investment project, any positions, roles or functions through assignment or voting, and even professional relations.

The statements referred to in this Law shall be deposited with the Authority, and shall be kept in physical and electronic records. As for the president and members of the commission, they shall submit their statements to the Presidency of the Council of Ministers which shall published on the Commission's website.

The submission of the statements stipulated in this law is a condition for holding and continuing with the public office, entitlement and collection of salaries, compensation and all other financial rights for all categories enumerated in the definition of the public employee subject to the statement.

In the event that any amount or compensation is received other than the mechanism specified in this law, those payments shall be considered as a debt owed to the beneficiary in the interest of the treasury, due to be paid and resulting in legal benefits from the date of receipt.

The statements have a strict confidential nature, and anyone who discloses their secrecy shall be punished with imprisonment for a maximum of one year and a fine ranging between five and ten times the official minimum wage or either of these two penalties, in addition to the possibility of disciplinary prosecution.

Whoever submits a false declaration is punished with imprisonment from six months to a year and a fine of between 10 and 20 times the official minimum wage.

The information and complaints submitted to the authority, as well as the direct complaints and allegations submitted by the authority, shall be free and not conditional upon the performance of any bail.

Unjust enrichment is considered occurring when a financial responsibility of a public official cannot be justified whether in Lebanon or abroad, this seen as an element of offense.

The provisions of the Criminal Procedure Code apply to cases of the unjust enrichment. In everything that does not contradict the provisions of this law, the principles of investigation and prosecution contained in the Anti-Corruption Law in the Public Sector and the establishment of the National Anti-Corruption Commission shall be applied.

The ruling stipulates that it be published in two local newspapers. It also stipulates that the funds acquired through unjust enrichment must be returned to the concerned and affected parties, if any. Otherwise, they are confiscated in the interest of the treasury.