MANAGEMENT LIABILITY OF THE LEGAL PERSON

Madam President and all participants, Good evening:

Allow us, as a non-governmental organization specialized in combating corruption and transnational organized crimes, to express our disappointment by deleting the sixth paragraph of Article 18 regarding the liability of the legal person, which grants protection from liability to the legal person for any act he performs or refrains from performing in good faith in the two cases: the actual or intended performance of a duty imposed by or pursuant to this Agreement, and in the case of the actual or intended exercise of a function or authority granted by this Agreement or under it.

Madam President: In the fifth session, we expressed our concerns about deleting this paragraph (while appreciating the justifications of the countries that demanded its deletion) and made it clear that we, as non-governmental organizations active in combating corruption and crime, face great legal risks in many countries as a result of the nature of our activity.

UNCAC and UNTOC have stressed the importance of strengthening the role of non-governmental organizations in implementing the two agreements, which is also confirmed by this agreement, but many local and international non-governmental organizations face retaliatory lawsuits before courts around the world as a result of their activity in combating corruption, crime, and human rights.
The paragraph was a lifeline to protect us from many of those risks, and it will also strongly enhance our role in implementing this agreement and other international agreements such as UNCAC, UNTOC, and conventions related to human rights, child protection, sexuality, and others.

But we were shocked by the deletion of that paragraph. I call again on the representatives of the participating countries to reconsider this, and I propose to reformulate the paragraph in a way that suits the justifications of the voices calling for its deletion on the one hand and in a way that alleviates our concerns as non-governmental organizations on the other hand.

Madam President: We have high confidence that involving stakeholders in preparing this agreement and listening to our observations and concerns will have tangible positive results, and we hope that our participation will not be merely a formal participation.

In Article (33) regarding witness protection:

This article was allocated to protect witnesses only, and whistleblowers and experts were ignored.

In UNCAC, in addition to Article (32) which was allocated to protect witnesses and experts, Article (33) was allocated to protect whistleblowers, because the risk rate they face is very high in this type of crime, as the majority of this type of crime is revealed by the whistleblowers, who are those who become prime targets for revenge, so we suggest adding whistleblowers and experts to the title of the article and to the first paragraph of it.

Thank you and my sincere regards

Mr. Taher AL-Hatef - AWTAD Anti-Corruption Organization