

Official Gazette of Iraq

Al-Waqai' Al-Iraqiyya

الوقائع العراقية

وهقايعي عيراقي

الجريدة الرسمية لجمهورية العراق

رۆژنامەى فەرمى كۆمارى عيراق

تصدر عن وزارة العدل

Legislation

No. 30

Integrity Commission & Illicit gain Law

No. (30) Of 2011

With its amendment

قانون هيئة النزاهة والكسب غير المشروع

مع تعديله

Translated in

Ministry Of Justice

Iraqi Official Gazette Department

Translation Section

2021



Resolution No. (32)

In the name of people Presidency of republic

Based on what had been approved by the parliament, in accordance with the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution, the President of the Republic decided on (27/ 10/ 2011) issuing the following law:

No. (30) of 2011

Integrity Commission and Illicit gain Law⁽¹⁾

Chapter One

Definitions and Objectives

Article 1⁽²⁾

For the purposes of this law, the following expressions shall have the meanings set forth in them:



First: Legislative authority: The authority stipulated in the article (48) of Republic of Iraq's constitution.

Second: The commission: The federal commission of integrity.

Third: a. Corruption case: It's a criminal suit being investigated for a crime of crimes of (State money theft, bribery, embezzlement, illicit gain, employees' exceeding their job limits in accordance with the articles (328, 329, 330, 331, 334, 335, 336, 338, 340, 341) of Penal Code No (111) of (1969).

- b. The following crimes shall be deemed a corruption case:
 - 1. Corruption crimes, including breach of trust committed by non-governmental organizations granted status of public benefit, federations, unions, and professional associations whose funds the state contributes to, or whose funds are granted the status of public funds or whose employees are granted the status of those charged with a public service.
 - 2. Bribery crimes in the private national and foreign sector in business related to the public sector and bribery crimes of the foreign employee.

Fourth: The person in charge: A person legally obligated to submit a financial disclosure report for his/ her money from those mentioned in the Article (16/ First) of this law.

Fifth: The children of the person in charge: Person's minor children, unmarried sons and daughters, and those who are not financially independent of him/ her even if they are married or reaching age of majority.

Sixth: Form: The financial disclosure acknowledgment form issued by the authority.

Seventh: Illicit gain: Any increase of more than (20 %) annually in the person in charge's money or the money of his/ her spouse or children which is not commensurate with their regular resources, and the person in charge did not prove a legitimate reason for this increase, and the funds that are proven to be acquired by a natural person by participating with the person in charge shall be considered illegal illicit by a final judicial decision.

Eighth: Conflict of interest: Every case in which the person in charge, his/ her spouse, his/ her children or person related to the person in charge to the second

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degree has a material interest that conflict with his/ her position or employment.

Article 2

The Integrity Commission is an independent body, subject to the oversight of the Parliament. It has a legal personality and financial and administrative independence, and is represented by its president or whomever he/ she authorizes.

Article 3

The commission shall work on contributing to preventing and combating corruption, and to adopting transparency in the management of governance affairs at all levels, through:

First: Investigating corruption cases in accordance with the provisions of this law, by means of investigators, under the supervision of the competent investigative judge, and in accordance with the provisions of the Law of Criminal trials Rules.

Second: Following up on corruption cases that are not investigated by commission's investigators, through a legal representative of the commission with an official agency issued by its president.

Third: Developing a culture in the public and private sectors that values personal straightness and integrity and respects for the ethics of public service, and the adoption of transparency, accountability and questioning, through public awareness and education programs.

Fourth: Preparing draft laws that contribute to preventing or combating corruption and submitting them to the competent legislative authority through the President of the Republic, the Council of Ministers or through the Parliamentary Committee concerned with the subject of the proposed legislation.

Fifth: Strengthening the confidence of the Iraqi people in the government by obligating its officials to disclose their financial liabilities, their foreign activities, investments,



assets, gifts or great benefits that may lead to a conflict of interest, by issuing regulatory instructions that have the force of law in a manner that does not conflict with it, and other programs.

Sixth: Issuing regulations for conduct that include rules and standards for correct, honourable and proper conduct of public office duties.

Seventh: Performing any act that contributes to combating or preventing corruption with two conditions:

- a. The work must be necessary and aim to combat or prevent corruption.
- b. The work must be effective and appropriate to achieve the objectives of the commission.

Eighth: Preparing and implementing a public policy to combat corruption. (3)

Article 4

The head of the commission with the rank of minister shall be appointed based on a proposal from the council of ministers and approval of the Parliament for a period of (5) five years. (4)

Article 5

A candidate to head the commission, in addition to the general conditions for assuming the position, shall be required to be:

First: First: Holding at least a primary university degree in the law and has an actual practice in his/ her specialty of at least fifteen years. (5)

Second: Iraqi person and not convicted of a non-political felony or a misdemeanour involving moral turpitude.

Third: Characterized by the highest standards of ethical behaviour, integrity and honesty.

Fourth: Not having headed the Commission for two terms, whether consecutive or not.

Fifth: At least forty years old.

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Sixth: Independent and not affiliated with any political party.

Seventh: Not covered by accountability and justice procedures.

Article 6

The Head of the commission shall undertake:

First: Setting the general policy of the commission, managing it and ensuring the performance of its duties and its respect for the law.

Second: Proposing the annual budget of the commission, and sending it to the Ministry of Finance to unify it within the state's general budget.

Third: Appointing, dismissing and disciplining the commission's employees in accordance with the provisions of the law.

Fourth: Issuing the regulations for financial disclosures.

Fifth: Issuing a code of conduct.

Sixth: Issuing the bylaw for the formations of the commission's departments.

Seventh: Carrying out any tasks and exercising any other powers stipulated in this law or other applicable laws.

Article 7

First: The Parliament may question the head of the commission in accordance with the procedures for questioning ministers stipulated in the Constitution.

Second: The head of the commission shall be relieved by the same procedures under which the minister is relieved.

Article 8

The head of the commission shall have two deputies with the rank of undersecretary appointed in the same way and conditions as the head of the commission, provided that the first deputy



holds a primary university degree in the law, and that the second deputy holds a primary university degree in educational or media specializations.

Article 9

First: The Investigations Department, the Legal Department, the Prevention Department, and the Administrative and Financial Department shall be linked to the first deputy.

Second: The Department of Education and Public Relations and the Department of Relations with Non-Governmental Organizations shall be linked to the second deputy.

Third: The first deputy shall replace the head of the commission in the event that he is unable to perform his/ her duties for any reason, and the second deputy shall replace him/ her in the event that the first deputy cannot perform his/ her duties for any reason.

Fourth: The two deputies of the head of the commission shall exercise their duties and perform their jobs under the supervision and guidance of the commission's head.

Article 10

The commission's centre shall be consisted of the following departments:

First: The Investigations Department:

It shall be headed by a director general who shall hold at least a primary university degree in law, which shall undertake the duties investigation in corruption cases in accordance with the provisions of this law and the Code of Criminal Procedure.

Second: The Legal Department:

It shall be headed by a general manager who shall hold at least an primary university degree in law, and it shall undertake:

- a. Representing the commission before courts, commissions and judicial committees by proxy issued by the head of the commission.
- b. Regulating the contracts concluded by the commission.



- c. Following up on cases and lawsuits that the Commission is a party to, including corruption cases that are investigated by none of the Commission's investigators.
- d. Preparing draft laws in accordance with the provisions of Item (Fourth) of Article (3) of this law.
- e. Expressing an opinion on all matters presented to it by the head of the commission or one of his/her two vices.

Third: The Prevention Department:

It shall be headed by a general manager who holds at least an primary university degree in law, and it shall undertake the necessary duties to follow up by submitting financial disclosure reports, monitoring the integrity and correctness of the information provided therein, checking the inflation of the money of those charged with providing them in a way that is not commensurate with their resources, and preparing a code of conduct.

Fourth: The Department of Education and Public Relations:

It shall be headed by a Director General who holds at least an primary university degree in educational or media specializations, and it shall undertake what is necessary and appropriate to develop a culture of integrity, incorruptibility, transparency, accountability, spreading fair dealing and respect for the law, by preparing educational curricula to enhance behaviour in the field of public service, in cooperation with educational institutions, and through studies, seminars, media campaigns, conferences, training programs or any other activity that aims to achieve the goal of spreading a culture of integrity, rejecting and fighting corruption.

Fifth: The Department of Relations with Non-Governmental Organizations:

It shall be headed by a Director General who holds at least an primary university degree, and it shall undertake what is necessary to promote a culture of ethical behaviour in the public and private sectors in cooperation with non-governmental organizations, through training programs and public communication through the media and others.

Sixth: The Administrative and Financial Department:

It shall be headed by a general manager who holds at least a primary university degree in administrative, accounting or legal specializations. It shall be responsible for the



administrative and organizational matters of the commission, its employees and its human resources.

Seventh: Recovery department: (6)

It shall be run by a general director who holds at least a primary university degree in the law; it shall undertake responsibility for collecting information, following up the accused wanted by the commission from outside Iraq, and recovering smuggled corruption funds abroad in cooperation and coordination with the concerned authorities. It shall include two directorates, one to recover the money and the second to recover the accused.

Eighth: Department of planning and research:

It shall be headed by a general director who holds at least a primary university degree in the statistics, law, sociology, or psychology, and it shall undertake preparing and implementing annual and quarterly strategic plans, preparing of annual and periodic reports, searching for developing the work of the commission and increasing its effectiveness and raising the level of its performance and preparing researches on corruption, its measurement, effect, causes and ways to prevent and combat it.

Ninth: The Iraqi anti-corruption academy:

It shall be run by a general director who holds at least a primary university degree aims to train and ensure the provision of continuous education for the cadres of the control authorities and spread a culture of integrity, transparency, accountability, and preparing researches and studies related to this and its formations, tasks and objectives, its means and methods of its management and certificates that it grants, fees from lectures therein shall be organized by a system issued by Council of Ministers upon proposal from the commission.

Tenth: Whoever manages the departments stipulated in this article shall be required to have at least (15) fifteen years of experience in his/ her field of specialization. (7)



Chapter Three

Investigative Procedures of the

Article 11

First: The Commission shall have the authority to investigate any (corruption case) by one of its investigators under the supervision of the competent investigative judge.

Second: The investigative competence of the commission in (corruption cases) shall be prevailed over the competence of other investigative bodies, including the military investigative bodies and the investigative bodies of the internal security forces, and those bodies shall be required to deposit papers, documents and data related to the case to the Integrity Commission whenever the commission chooses to complete the investigation in them.

Third: Repealed (8)

Fourth: There shall be coordinated between the Integrity Commission established under this law and the integrity commissions in the regions in the field of combating corruption.

Article 12

The commission may use the means of scientific advancement, devices and machines of investigation, collecting of evidence, and summoning those concerned to investigate them directly after a decision issued by the competent judge, and its head shall provide the requirements for their use in the field of detecting, preventing or prosecuting the perpetrators of crimes. ⁽⁹⁾



Article 13

First: The commission, by a decision of its head, may preserve the notifications, without submitting it to the competent investigative judge, if he/ she finds that them they aren't included a crime, or if it is proven to him/ her by preliminary investigations that the notifications are incorrect or false.

Second: The investigating judge asked for any notification to be kept in accordance with the provisions of Item (First) of this article, and to take what he/ she deems appropriate in this regard, in accordance with the provisions of the law.

Article 14

First: The investigative judge shall notify the legal department of the authority when he/ she begins the investigation of any corruption case, and inform it of the progress of the investigation in it upon its request.

Second: The commission shall be a party to every corruption case that is not investigated by one of the investigations department investigators, and it may follow up on it through a legal representative with an official agency, and the commission may appeal the judgments and decisions issued in it.

Third: The investigative judge shall deposit any corruption case in which the Commission chooses to complete the investigation in it to one of the investigators of the Commission's Investigations Department or one of its offices. The authority may appeal by way of cassation the decision of the investigating judge who rejected its request for any reason.

Article 15

First: All state departments and public institutions shall be obligated to provide the authority with the documents, proceedings documents and information it requests that relate to



the case that is intended to be investigated or investigated, and shall cooperate with it to enable it to perform its investigative tasks stipulated in this law.

Second: The commission, while carrying out its investigative duty, shall ensure that it does not interfere in the work of ministries and official institutions, that it respects the legal powers and jurisdictions of its leaders and employees, and that its investigators carry out investigative procedures separately and do not negatively affect the work, competencies and powers of technicians and assessors.



Article 16 (10)

First: Whoever occupies one of the following positions (acting or authentically) shall be obligated to submit a statement of his/her financial disclosure:

- a. The President and his/ her deputies
- b. Speaker of Parliament, his/her two deputies and members of the Parliament
- c. Prime Minster and his/ her deputies and ministers and their rank.
- d. Members of the federation council.
- e. The Head of the Supreme Judicial Council, judges and members of the public prosecution.
- f. Head and members of the Federal Supreme Court.
- g. Head of the region.
- h. Head and members of the Parliament of the region.
- I. The Head of the government of region and the ministries therein.
- j. Officials of independent bodies and their deputies.
- k. Undersecretaries of ministers and those who receive the salary of an undersecretary.
- 1. Those with special and higher degree.



- m. Heads and members of provincial councils organized into a region and not organized into a region.
- n. The governors, their deputies, their assistances, advisors, deputy governors and districts' managers.
- o. Managers of all departments in the provinces not organized into a region
- p. The heads of the public and private universities and deans of faculties.
- q. General directors and those have their rank.
- r. Officers of the rank of lieutenant colonel and above in all military and security formations and intelligence officers in the regiments and above and directors of the security departments without ranks.
- s. Heads and members of the boards of directors of public and mixed sector companies.
- t. Investigators of the Supreme Judicial Council and investigators of Commission of Integrity.
- u. Employees of Commission of Integrity.
- v. Heads of associations, federations, unions, organizations and founders and heads of political parties.
- w. Heads and members of the boards of directors and bosses of departments in the National Commission for Investment and Commissions for Investment in all governorates.
- Second: The commission may assign any employee or person in charge with a public service that it deems necessary to disclose his/ her financial liability based on notification associated with credible evidence that illicit gain has occurred in his/ her money or his/ her spouse's money or his/ her children's money that is not consistent with their regular resources. It may assign this to anyone suspected of obtaining funds jointly with the person in charge stipulated in the Item (Seventh) of the article (1) of this law.

Third: The Commission may assign any political organization, non-governmental organization, federation, union or association to prove legitimacy of:

- a. The sources of funding and donation
- b. Objectives of expenditures in accordance with the rules followed in the spending, taking into account its bylaws.

Fourth: The Commission shall coordinate with the region integrity commission for occupants of the positions in the region mentioned in the Para (First) of this article.



Article 17 (11)

First: The person in charge shall be obligated to submit the form in the following dates:

- a. Within 90 days from date of assuming the job or position or date of end of his/ her relationship with them.
- b. During a month of January of each year.

Second: The person in charge shall be obligated to respond to the commission observations within 60 days from the date of his/ her notification thereof.

Third: The failure of the person in charge to submit the form shall not prevent the Commission from investigating his/ her financial liability, his/ her spouse, his/ her children and anyone whom the commission deems necessary to disclose their financial liabilities from those referred in the Item (Seventh) of Article (1) of this law.

Fourth: The commission shall examine the form and verify the data mentioned thereof.

Fifth: The commission may seek the assistance of any official competent authority to obtain data, clarifications and documents including those that are considered confidential or copies of those documents.

Sixth: If the commission find a large increase in the person in charge's money, his/ her spouse's money or his/ her children's money that are not commensurate with their regular resources, it shall summon the person in charge to inform him/ her and to clarify the increase the Commission finds.

Seventh: The commission shall refer an order for someone who is proven that there is a large increase in his/ her money, his/ her spouse's money his/ her children's money that are not commensurate with their regular resources to the investigating judge who the person in charge resides within his/ her territorial jurisdiction to consider assigning his/ her by proving legitimate sources of this increase during (90) days.

Eighth: The Federal Financial Monitoring Bureau shall be responsible for examining and auditing the financial disclosure forms for the head and deputy head of the commission of integrity and its employees.

Ninth: It shall be prohibited to disclose any information, documents, examination procedures signature margin that appear on the form to other than the legally authorized authorities.



Article 18 (12)

First: The payment of the person in charge's salary and allowances shall be suspended if he/she doesn't submit the form during the period stipulated in the Item (First) of the Article (17) of this law. The authority to which the person in charge belongs shall notify the commission of the suspension decision as soon as it is issued, and notify it of the expiry of the period stipulated in the Item (First) of the Article (17) of this law without submitting the form.

Second: The pension salary shall not be paid to the person in charge unless he/ she submits what support his/ her submission of the form.

Third: The authority to which the person in charge belongs shall obligate to provide the commission with the names of the persons in charge and changes that occur in their positions and jobs within (30) thirty days from the date of emergence of these changes.

Article 19 (13)

Without prejudice to any more severe penalty stipulated in any other law, violators of the provisions of this law shall be punished in accordance with the following:

First: Whoever refrains from submitting the form without a legitimate excuse shall be punished with imprisonment for a period not exceeding one year.

Second: A penalty of imprisonment for period of no less than (7) seven years and a fine equivalent to the value of the illicit gain shall be imposed on each of the persons in charge mentioned in the Article (16/ First) of this law who fails to prove the legitimate reason for the large increase in his/ her money or his/ her spouse's money or his/ her children money.

Third: A penalty of imprisonment for a period of no less than (3) three years and a fine equivalent to the value of the illicit gain shall be imposed on each of the persons mentioned in the Item (Second) of this article who has proven to the court the illegality of the increase in his/her money.

Fourth: The court shall rule to refund the value of the illicit gain and the convicts shall not be released in accordance with Items (Second and Third) of this article until after the amount of the fine paid and the value of the illicit gain refunded. The termination of



the criminal case by death shall not preclude the execution of the judgment by refunding the value of the illicit gain.

Fifth: Any person in charge who deliberately conceals information requested in the form or submits false information proven to be related to the achieving illicit gain shall be punished by imprisonment for a period of no less than (1) one year.

Sixth: Anyone who, by virtue of his/ her position, discloses information related to the form shall be punished by imprisonment for a period of no less than (6) six months and not exceeding (3) three years.

Seventh: Anyone who fails to remove the conflict of interests during the period mentioned in the Item (Second) of Article (20) of this law shall be punished by imprisonment, and the ruling with this penalty entails dismissal of the employee from the service and relieving the non-employee person in charge from his/her position.

Eighth: The perpetrator of one of the crimes stipulated in the Item (Third/b) of Article (1) of this law shall be deemed to be entrusted with a public service for the purposes of applying provisions of this law and provisions of the Penal Code.

Article 20 (14)

First: It shall be prohibited for an employee or person charged with a public service to appoint his/ her second-degree relative in permanent jobs under his/ her management.

Second: When it is proven that there is a conflict of interests, the person in charge shall have the option to remove it by relinquishing it or to leave his/ her position or job within the period specified by the commission with instructions.

Third: Employees of the commission shall be prohibited from working in the private and mixed sectors.



Chapter Five General Provisions

Article 21

First: The Commission shall perform its duties in the field of preventing and combating corruption in cooperation with the Office of Financial Controlling Bureau and the Offices of General Inspectors.

Second: The Financial Controlling Bureau shall act as the supreme authority for financial and accounting audits and shall be concerned with detecting acts of corruption, fraud, waste and misconduct in accordance with provisions of law.

Third: The Bureau shall deposit all evidence of fraud, waste and misconduct to the competent inspector general.

Fourth: The Inspector General shall take what is necessary regarding the Bureau's reports, and shall conduct the necessary administrative investigation and inquiry into what the Bureau deposits to it, and shall submit the results thereof to the concerned minister or the head of an entity not affiliated with a ministry, and he/ she shall inform the appropriate investigative body or authorities of everything that is considered a crime in accordance with the provisions of the laws in force.

Fifth: The commission shall be deemed the competent investigative body, from among the three bodies, to take the appropriate penal investigative procedures regarding the investigation of corruption cases.

Article 22

The employees of the commission shall be given the following allowances:



First: Monitoring allowances that do not exceed (50%) of the salary or wage.

Second: Allowances for preventing the practice of a profession outside official working hours do not exceed (50%) of the salary or wages.

Third: Allowances for transportation and special tasks that do not exceed the percentage of any of them (30%) of the salary or wage.

Fourth: The allocations stipulated in this law are granted to the employee of the Commission in addition to the allocations stipulated in the legislation in force.

Article 23

The Head of the Commission may grant that does not exceed six months to a staff member of the Commission in every degree for the purposes of bonus and promotion for those who are distinguished by high efficiency or who make exceptional efforts.

Article 24

The Head of the Commission may annually disburse the salaries of the regular accumulated leaves to its employees whose leaves accumulate for a period of more than (180) days for more than that period.

Article 25

First: The end-of-service reward shall be paid to the Commission employee who is referred to retirement from whomever is entitled to the pension salary, provided that he/ she has not been retired at his/ her request before reaching the legal age or for health reasons in accordance with the following:

a. A reward equivalent to the salaries and allowances of the last month for a period of six months if his/her service retirement is not less than (20) years.



b. A reward equivalent to the last month's salary and allowances for a period of (12) months, if he/ is referred to retirement because he/ she has completed the legal age, or if his/ her retirement service is not less than (30) years.

Second: The reward stipulated in Item (First/b) of this article shall be paid to the heirs of the Commission employee who died during his/her service and shall be distributed to them in accordance with the percentage of their entitlement pursuant to the deceased's legitimate Qassam (Islamic Sharia rule for inheritance division. Translator).

Chapter Six Final Provisions

Article 26

The Head of the Commission shall submit an annual report to the Parliament and the Council of Ministers within (120) days from the year end date, which includes a summary of the Commission's activities and achievements in the investigative field, and in the field of developing a culture of integrity, transparency, accountability and public service ethics, and in the field of prosecution illicit gain, and shall make it available to the media and the public.

Article 27

The Commission shall be subject to controlling and audit of the Financial Controlling Bureau, which shall submit its reports thereon to the Parliament and shall submit it to the media and the public.



Article 28

The Head of the Commission may issue the necessary instructions to facilitate the implementation of the provisions of this law.

Article 29

The order of the dissolved Coalition Provisional Authority No. (55) of 2004 shall be repealed, and the regulatory law attached to it issued by the dissolved Governing Council shall be repealed, with the exception of Section (6) thereof.

Article 30

Any text that contradicts with the provisions of this law shall not be enforced.

Article 31

This law shall be enforced from the date of its publication in the Official Gazette.

Jalal Talabani President of the Republic.



Footnotes

- (1) Amended in accordance with Resolution no (29) pursuant to the president of the Republic's decision on 9/12/2019 to issue the law No (30) of 2019, Article (1). This was published in the Official Gazette, issue No (4568) on (23/12/2019).
- (2) Amended in accordance with Resolution no (29) pursuant to the president of the Republic's decision on 9/12/2019 to issue the law No (30) of 2019, Article (2). This was published in the Official Gazette, issue No (4568) on (23/12/2019).
- (3) Added in accordance with Resolution no (29) pursuant to the president of the Republic's decision on 9/12/2019 to issue the law No (30) of 2019, Article (3). This was published in the Official Gazette, issue No (4568) on (23/12/2019).
- (4) Amended in accordance with Resolution no (29) pursuant to the president of the Republic's decision on 9/12/2019 to issue the law No (30) of 2019, Article (4). This was published in the Official Gazette, issue No (4568) on (23/12/2019).
- (5) Amended in accordance with Resolution no (29) pursuant to the president of the Republic's decision on 9/12/2019 to issue the law No (30) of 2019, Article (5). This was published in the Official Gazette, issue No (4568) on (23/12/2019).
- (6) Amended in accordance with Resolution no (29) pursuant to the president of the Republic's decision on 9/12/2019 to issue the law No (30) of 2019, Article (6) (First). This was published in the Official Gazette, issue No (4568) on (23/12/2019).
- (7) Added in accordance with Resolution no (29) pursuant to the president of the Republic's decision on 9/12/2019 to issue the law No (30) of 2019, Article (6) (Second). This was published in the Official Gazette, issue No (4568) on (23/12/2019).
- (8) Repealed in accordance with Resolution no (29) pursuant to the president of the Republic's decision on 9/12/2019 to issue the law No (30) of 2019, Article (7). This was published in the Official Gazette, issue No (4568) on (23/12/2019).
- (9) Amended in accordance with Resolution no (29) pursuant to the president of the Republic's decision on 9/12/2019 to issue the law No (30) of 2019, Article (8). This was published in the Official Gazette, issue No (4568) on (23/12/2019).



(10), (11), (12), (13), (14) Amended in accordance with Resolution no (29) pursuant to the president of the Republic's decision on 9/12/2019 to issue the law No (30) of 2019, Article (9). This was published in the Official Gazette, issue No (4568) on (23/12/2019).