The Charter of the Sanctions Office is issued in accordance with Section 3.2 of the Sanctions Procedures of the African Development Bank Group (the “Sanctions Procedures”). This Charter establishes the scope and outlines the principles, functions, and organization of the Sanctions Office. It provides a preliminary delineation of roles and responsibilities, outlines the objectives, identifies the composition of the structure, and defines the authority of the Sanctions Office.

I. SCOPE AND COMPOSITION OF THE SANCTIONS OFFICE

1.1 Scope: The Sanctions Office or Office of the Sanctions Commissioner is a critical component in ensuring an efficient, effective and fair sanctions process against Respondents alleged to have engaged in fraudulent, corrupt, collusive, coercive or obstructive practices (referred to as “Sanctionable Practice” or “Sanctionable Practices”), as defined in the Sanctions Procedures. The Sanctions Office serves as the first instance of the adjudication phase in the Sanctions System and receives, reviews and makes a determination with regard to findings of Sanctionable Practice(s) submitted by the Integrity and Anti-corruption Department (IACD).

1.2 Composition: The Sanctions Office is composed of the Sanctions Commissioner (“SC”) and the Alternate SC who are external experts appointed by the Executive Directors of the Bank on the recommendation of the President and two Bank staff, namely, the Secretary to the Sanctions Office and an Administrative assistant. The Sanctions Office may use the service of consultants, if necessary.

II. PRINCIPLES GOVERNING THE EXERCISE OF DUTIES

2.1 Independence, Fairness and Impartiality: In the discharge of his/her functions, the SC or the Alternate SC is guided solely by the merits of the case and acts independently. He/She is prohibited from taking instructions from the Bank Management, Executive Directors, Bank Group member countries, Respondents (alleged wrongdoer) or any other entity. The SC or the Alternate SC is bound by duty and ethical principles to consider each case fairly, impartially and with due diligence.

2.2 Diligence: The SC or the Alternate SC acts diligently and expeditiously in the performance of his/her duties and delivers his/her decisions without delay.

2.3 Confidentiality: The SC, the Alternate SC and the staff of the Sanctions Office are bound to respect and maintain the confidentiality of the sanctions proceedings and are under obligation not to use or disclose to any third party any information relating to the cases dealt with or pending before them, and obtained in the performance of their duties.

2.4 Conduct: The SC or the Alternate SC is under obligation to conduct himself/herself in a manner befitting his/her status, whether in the course of duty or otherwise. The SC or the Alternate SC will exercise his/her freedom of expression and association in a manner compatible and consistent with such status, and is bound not to comment on pending
cases. He/she is equally bound to avoid expressing views which may undermine the sanctions process.

2.5 **Conflict of interest**: The SC or the Alternate SC is bound to recuse himself/herself or may be recused by Respondent(s) from any case in which he/she has an actual, potential or perceived conflict of interest.

2.6 **Post-Service Activities**: The SC or the Alternate SC shall not, for two (2) years after the end of his/her term, accept any kind of employment, consultancy or interest in any firm that has been a Respondent in a sanctions proceeding before the Sanctions Office.

### III. FUNCTIONS/AUTHORITY OF THE SANCTIONS COMMISSIONER

3.1 The SC, and in his/her absence the Alternate SC, has authority, following the formal process provided for in the Sanctions Procedures, to impose sanctions on Respondents, where the SC determines, upon consideration of all the facts, circumstances and arguments presented that it is more likely than not that the Respondent(s) has/have engaged in a Sanctionable Practice or Sanctionable Practices. The SC is required to perform such other functions and responsibilities as set forth in the Sanctions Procedures.

### IV. FUNCTIONNING OF THE SANCTIONS OFFICE

4.1 **Organization**: The Sanctions Office is headed by the SC. The Secretary to the Sanctions Office provides assistance and support to the SC and is responsible for the day to day management of the Sanctions Office, for receiving submissions and for the service of notifications on parties.

4.2 **Sharing of duties**: The SC may delegate part of his/her duties to the Alternate SC. In such a case, the Alternate SC shall deal with the case(s) assigned to him/her separately and independently from the SC and decisions shall be taken under his/her sole responsibility.

4.3 **Inability to act of the SC**: If unable to act, the SC shall promptly inform the Alternate SC and the Secretary to the Sanctions Office and provide an estimate of the period of inability. The Alternate SC who shall perform all duties assigned to the SC shall replace the SC. The Alternate shall consider all cases and proceedings pending at that period of time and shall continue to deal with them until their conclusion, even after resumption of duty by the SC. The SC will act on new cases presented after his/her resumption of duty.

4.4 **Removal**: In the event of incapacity or conduct unbecoming, the Board of Directors may remove the SC and the Alternate SC upon the recommendation of the President. The SC or the Alternate SC shall be notified of the grounds alleged for the proposed removal and be afforded a reasonable time to respond to the allegation(s). If there appear to be sufficient ground(s) for removal, the President shall refer the matter to the Board of Directors for decision.