



**SAHARA  
AND SAHEL  
OBSERVATORY**

# **COMPREHENSIVE PROCEDURE FOR PROHIBITED PRACTICES**

June 2023

---

TABLE OF CONTENTS

Acronyms.....3

Definitions .....4

1. Introduction and objective.....7

2. Scope .....8

3. Procedure steps.....8

    3.1. Overview .....8

    3.2. Procedure steps.....9

4. Flow chart..... 11

5. Comprehensive Procedure for Prohibited Practices ..... 12

6. Effectiveness and review..... 13



# ACRONYMS

<b>ES</b>	Executive Secretary
<b>GCGHU</b>	Governance Compliance and Grievance Handling Unit
<b>HRU</b>	Human Resources Unit
<b>IT</b>	Investigative team
<b>MRT</b>	Monitoring and Reporting Team
<b>OSS</b>	Sahara and Sahel Observatory
<b>SSEAH</b>	Safeguard from Sexual Exploitation, Abuse and Harassment



## DEFINITIONS

**Anti-Money Laundering (AML):** A set of laws, regulations and procedures designed to deter, identify and report money laundering.

**Combating the financing of terrorism:** Key component of anti-money laundering (AML) and Countering the Financing of Terrorism (CTF) efforts, seen as a means of denying terrorists the ability to carry out their activities.

**Conflict of Interest:** Any situation in which an individual, group of individuals, or organization involved in the decision-making process may have, could have, or could be seen to have the ability to improperly influence the performance of their official duties and responsibilities.

**Counterparty:** Any individual, organization, institution, or other entity involved in OSS activities.

**Covered Individual:** Any individual working at any level or grade within the OSS.

**Evidence:** A physical object, record, document in any form, statement, or other information intended to prove the existence or nonexistence of a claim or fact.

**Executive Secretary:** The Executive Secretary of the OSS.

**Governance Compliance and Grievance Handling Unit (GCGHU):** Independent body within the OSS directly reporting to the Executive Secretary and responsible for ensuring adherence to governance principles and regulations. The GCGHU oversees the implementation of OSS policies and procedures, and addresses complaints or grievances raised by stakeholders, partners or any individual or entity working or involved in OSS activities. La GCGHU plays a critical role in promoting transparency, accountability and ethical conduct, while effectively managing and resolving any complaints or disputes that may arise within the Observatory.

**Human Resources Unit (HRU):** A body forming part of the OSS Administrative and Financial Department (AFD). Its duties mainly include recruitment, personnel and benefits management. It also deals with cases of misconduct and unethical behavior falling within its remit.

**Investigative Team (IT):** A subdivision of the Governance Compliance and Grievance Handling Unit (GCGHU) charged with conducting investigations in conjunction with the appropriate OSS body.

**Monitoring and Reporting Team (MRT):** A subdivision of the Governance Compliance and Grievance Handling Unit (GCGHU) responsible for monitoring and reporting any suspicious activity related to OSS activities.

**Prohibited Practices:** Any of the following practices related to OSS activities:



- **Coercion:** An action that intentionally or unintentionally causes damage, injury or threat of damage or harm to a party or its property, either directly or indirectly, for the purpose of improperly influencing its actions, whether or not the intended recipient or another party is affected.
- **Collusion:** Any illegal agreement between two or more parties with the intent to scam a third party.
- **Corruption:** Offering, giving, receiving or soliciting, directly or indirectly, in any capacity, anything of value and/or an improper advantage of any kind, for oneself or for another person or entity to act or refrain from acting in violation of one's official duties or one's legal, contractual or professional obligations, and to influence one's own actions or those of another person or entity.
- **Financing terrorism:** The direct or indirect provision of funds or other financial assistance to individuals or groups involved in terrorist acts.
- **Fraud:** Any use of deception with the intent to obtain an unfair advantage of any kind for oneself or for a third party through omission, misrepresentation, concealment of facts, or any other method that knowingly or recklessly misleads or avoids an obligation or causes harm to another party.
- **Harassment:** Any unwelcome physical or verbal conduct that creates an intimidating, hostile or offensive work environment.
- **Misuse:** Intentional or reckless misuse, waste, misappropriation, or theft of property or assets related to any OSS activity.
- **Misconduct:** Any behavior or action that violates OSS policy is morally or ethically unacceptable or contrary to the standards or policies of the Observatory. This includes, but is not limited to, prohibited practices, unlawful acts or instructions involving violations of law, waste, mismanagement, abuse of power, conflict of interest, etc.
- **Money laundering:** A process by which the property or proceeds of illegal activities are converted into seemingly legitimate funds, usually through a transaction or a series of transactions that attempt to disguise their illegal source.
- **Obstructive practices:** Any kind of obstruction of OSS investigative activities such as:
  - An intentional destruction, falsification, alteration, or concealment of evidence that may be relevant to an investigation conducted by OSS;
  - A provision of false information to investigators for the purpose of obstructing an OSS investigation;
  - The use of threats, harassment or intimidation to prevent a party from disclosing information related to an OSS investigation or from pursuing such an investigation;
  - Engaging in any conduct with the intent to materially interfere with the OSS's contractual rights to audit, inspect, or access information.
- **Retaliation against a whistleblower and/or a witness:** Any action, direct or indirect, that causes or is likely to cause harm to a whistleblower or witness (as defined in the

OSS Whistleblower and Witness Protection Policy), or anyone associated with them, as a result of reporting suspected wrongdoing or cooperating in an OSS investigation.

- **Sexual abuse:** Sexual assault of a person whether actual or by intimidation, committed either by force or under coercive, unfair or unequal circumstances;
- **Sexual exploitation:** Using a position of vulnerability, power, or trust to take sexual advantage of another person, whether through actual or attempted abuse.

**Whistleblower:** Any person, group of persons or entity who, with knowledge or a good faith belief in its truth, reports or intends to report a concern, allegation or other information indicating that wrongdoing is occurring or has occurred in the activities of OSS.

**Witness:** Any person, group of persons or entity that cooperates or is about to cooperate in good faith with an investigation and provides information or evidence.

**Wrongdoing:** Any behavior or action that violates OSS policies is morally or ethically unacceptable, or is contrary to the standards or policies of the Observatory. Wrongdoing includes, but is not limited to, prohibited practices, unlawful acts or instructions involving violations of law, waste, mismanagement, abuse of power, conflict of interest, etc.

# 1- INTRODUCTION AND OBJECTIVE

With a strong commitment to maintaining a safe, respectful, and ethical workplace for all, the Sahara and Sahel Observatory (hereafter referred to as OSS or Observatory) strives to protect its reputation from any allegations of Wrongdoing. Therefore, the OSS has formulated its policies on Prohibited Practices<sup>1</sup>, Anti-Money Laundering and Countering the Financing of Terrorism<sup>2</sup>, and Safeguard from Sexual Exploitation, Abuse and Harassment (SSEAH), then has subsequently developed a procedure to ensure compliance with these policies.

The Comprehensive Procedure for Prohibited Practices (hereinafter referred to as the Procedure or CPPP), is intended to effectively implement measures that demonstrate the Observatory's commitment to adhere to internationally accepted practices and policies against prohibited practices, in particular the principles of the United Nations Convention against Corruption<sup>3</sup> and other related instruments<sup>4,5,6</sup>. In addition, the Procedure is designed to ensure strict adherence to the highest ethical standards with respect to anti-money laundering (AML) and countering the financing of terrorism (CFT), as recommended by the Financial Action Task Force (FATF) in its publication "*International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation*"<sup>7</sup>.

This would enable the Observatory to achieve the objectives set out in its policies of Prohibited Practices, Anti-Money Laundering, and Countering the Financing of Terrorism which are to:

- Ensure OSS compliance with legal and regulatory requirements related to Prohibited Practices, including but not limited to AML&CFT rules, therefore preserving its reputation;
- Prevent the use of the Observatory's resources for illegal activities/purposes;
- Ensure that Covered Individuals and Counterparties comply with all applicable laws, regulations and standards related to the Prohibited Practices;
- Prevent unethical and illegal behavior;
- Mitigate legal and reputational risks by demonstrating OSS' commitment to ethical practices;
- Foster a culture of integrity and ethical behavior by setting a tone from the top that emphasizes the importance of compliance and ethical behavior.

---

<sup>1</sup> OSS' Prohibited Practices Policy

<sup>2</sup> OSS' Anti-Money Laundering and Countering the Financing of Terrorism Policy

<sup>3</sup> <https://www.unodc.org/unodc/en/corruption/uncac.html>

<sup>4</sup> <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html> (The UN Convention against Transnational Organized Crime)

<sup>5</sup> <https://www.ohchr.org/en/professionalinterest/pages/businesshr.aspx> (The UN Guiding Principles on Business and Human Rights)

<sup>6</sup> <https://www.fatf-gafi.org/en/publications/fatfrecommendations/documents/fatf-recommendations.html> (The International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation)

<sup>7</sup> <https://www.fatf-gafi.org/en/publications/Fatfrecommendations/Fatf-recommendations.html>

## 2- SCOPE

The Comprehensive Procedure for Prohibited Practices applies to Covered Individuals and Counterparties. It encompasses all OSS activities at the institutional and counterparty levels and is designed to foster and maintain a culture of integrity, accountability and transparency.

In accordance with the OSS Prohibited Practices and Anti-Money Laundering and Countering the Financing of Terrorism policies, the Governance Compliance and Grievance Handling Unit (GCGHU) is responsible for handling reports of suspected wrongdoing and will work with the appropriate authority to conduct the investigation.

## 3- PROCEDURE STEPS

### 3.1- OVERVIEW

In accordance with the relevant policies<sup>8</sup> of the Observatory, allegations of suspected wrongdoing may be reported by any person or entity to the GCGHU, which, through its Investigative Team (IT) will work with the appropriate body that is the external and internal auditors, the Human Resources Unit (HRU) or the Environmental and Social Committee (ESC), to conduct the investigation.

In order to maximize the effectiveness of investigations, it is important to provide a comprehensive report. It is advisable to include specific details whenever possible. For example, reports should aim to best address the following inquiries<sup>9</sup>:

- (1) What type of alleged wrongdoing is suspected to take place?
- (2) When, where, and how the suspected wrongdoing occurred?
- (3) Who was involved and may have knowledge of the matters being reported?

Relevant documents or other evidence should accompany the report or be submitted as soon as possible, in person or by the following channels:

Email:	<a href="mailto:gcghu@oss.org.tn">gcghu@oss.org.tn</a>
Hotline:	+216 71 206 633/634
Mailing Address:	Governance Compliance and Grievance Handling Unit Observatoire du Sahara et du Sahel BP 31. Boulevard du Leader Yasser Arafat. Tunis 1080 Republic of Tunisia

Reports of suspected misconduct, along with any accompanying information or evidence,

---

<sup>8</sup> OSS' Protection of Whistleblowers and Witnesses, Anti-Money Laundering and Countering the Financing of Terrorism, Prohibited Practices, and SSEAH Policies

<sup>9</sup> These details are not required for an investigation to commence, and their absence should not prevent a report from being made, nor should it prevent the GCGHU or any other investigative body from carrying out its duties in relation to reports of suspected wrongdoing.

can be submitted in any language. If the report is not in English or French, the GCGHU will endeavor to provide translation or interpretation as needed.

In accordance with the applicable Observatory's policies<sup>10</sup>, Covered Individuals and Counterparties have an obligation to report any suspected wrongdoing related to OSS activities.

### 3.2- PROCEDURE STEPS

Any suspected wrongdoing reporting shall be addressed to the Monitoring and Reporting Team (MRT) of the Governance Compliance and Grievance Handling Unit (GCGHU). The MRT will acknowledge receipt of the complaint within three (3) working days. Upon receipt of sufficient evidence, the MRT will have five (5) working days to evaluate the validity of the report before deciding whether to conduct an investigation or close the case.

If the preliminary assessment reveals concrete and credible information that is consistent with the actions contemplated by the relevant policies<sup>11</sup>, a proper investigation will be initiated within two (2) working days by the GCGHU Investigative Team (IT) in collaboration with one of the OSS bodies (External and Internal Auditors, HRU or ESC), as appropriate, depending on the nature of the reported wrongdoing.

Any person or entity involved in a report of suspected wrongdoing must be notified within a reasonable time, of the allegations made against them, provided that such notification does not interfere with an ongoing investigation of the suspected wrongdoing. In addition, in accordance with the principle of due process, no determination shall be made with respect to a Covered Person or Entity unless the Covered Person or Entity has been given an opportunity to respond to the report of alleged misconduct. The individuals or entities in question will be given 14 working days to prepare their defense and respond to the allegations of misconduct. They should submit their responses to the MRT of the GCGHU, which will then forward them to the IT and the investigative body.

Upon completion of the investigation, the investigative body and the IT will draft recommendations and corrective and disciplinary actions within 10 working days and submit them to the Executive Secretary (ES) and the Head of the GCGHU, who will determine the final action to be taken, if any.

If the investigation fails to substantiate the alleged wrongdoing, the case will be closed.

If the investigation determines that Covered Individuals have directly or indirectly supported, encouraged, participated or engaged in prohibited practices, such Covered Individuals will be subject to one or more of the following disciplinary actions, as appropriate, depending on the severity of the wrongful acts:

- Censure,
- Temporary suspension with or without pay,
- Reduction in pay,

---

<sup>10</sup> OSS policies on Protection of Whistleblowers and Witnesses, Anti-Money Laundering, Countering Financing of Terrorism, SSEAH, and Prohibited Practices.

<sup>11</sup> Ibid.

- Demotion,
- Legal action,
- Resignation or dismissal from the service of the OSS.

If the investigation determines that Counterparties have directly or indirectly supported, encouraged, participated or engaged in prohibited practices, these Counterparties will be subject to one or more of the following disciplinary actions, as appropriate, depending on the severity of the wrongful acts:

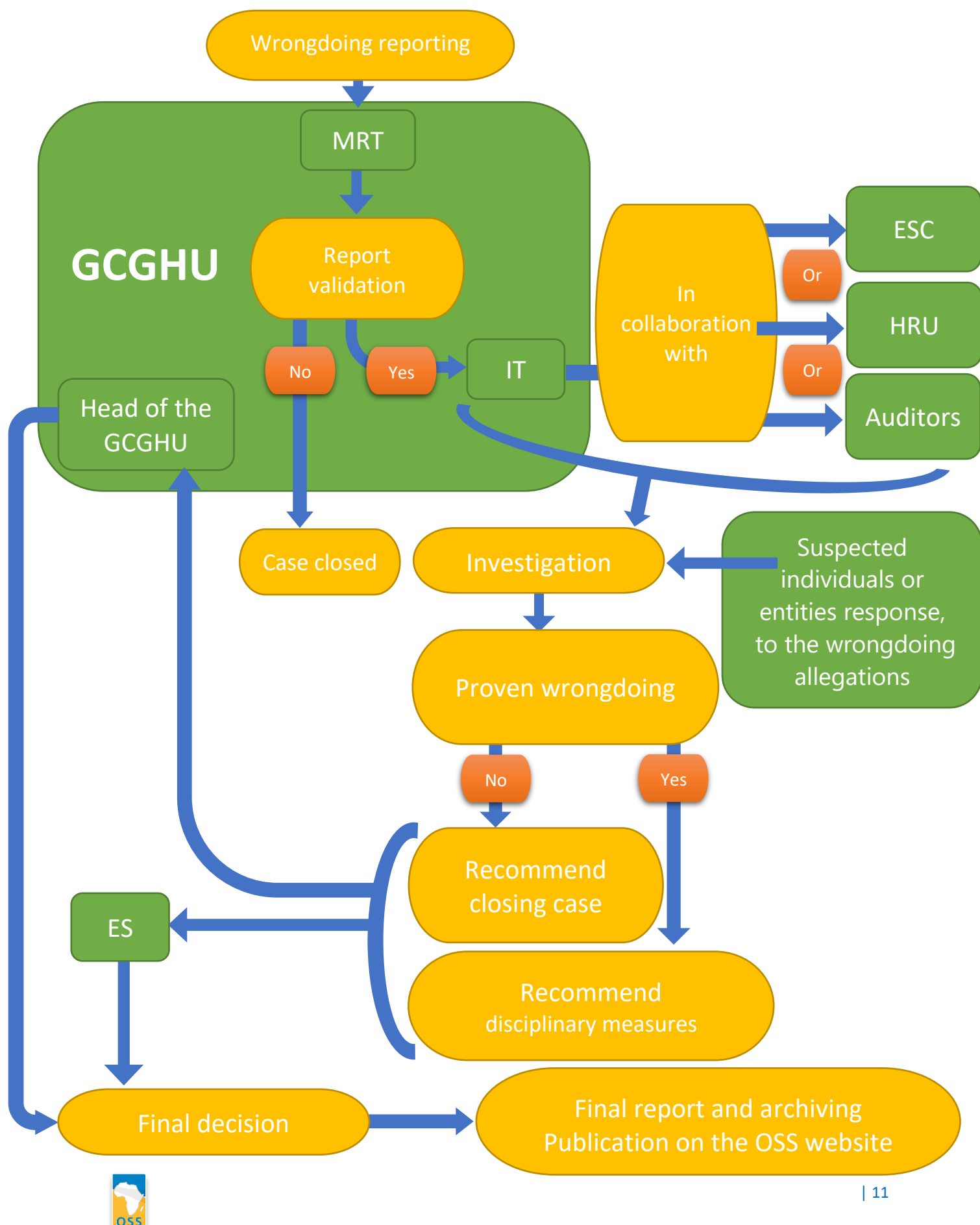
- Termination of activities or agreements,
- Suspension of contract,
- Blacklisting or debarment,
- Refund or recovery of funds passed through the OSS
- Legal action.

Upon completion of the case, the entity involved in conducting the investigation, together with the IT, shall prepare a final report and record the case in the appropriate grievance registry within twenty-two (22) working days. The final report shall be submitted to the ES upon completion.

The GCGHU shall include the final report in the annual report it submits to the Executive Secretary for information. The ES may forward the report to the OSS Board and Funds as appropriate.

All formal complaints and their follow-up shall be made public on the Observatory's website by its Communication Department.

## 4- FLOW CHART



## 5-COMPREHENSIVE PROCEDURE FOR PROHIBITED PRACTICES

What?	How?	Who?
<b>Step 1 – Wrongdoing reporting</b>	Developing a complaint report	MRT
<b>Step 2 – Wrongdoing report validation</b>	Assessing the authenticity of the report and evidence provided to determine the validity or invalidity of the complaint	MRT
<b>Step 3 – In case of wrongdoing reporting validation, start of investigations</b>	Notifying individuals or entities involved in a report of suspected wrongdoing of a case brought against them	IT
<b>Step 4 – Defending part responses</b>	The defending part submits its replies to the MIT of the GCGHU, which will forward them to the IT and the investigating body	Suspected individuals/entities
<b>Step 5 – Conducting investigations</b>	Investigate the suspected wrongdoing, taking into account all elements gathered and responses from suspected individuals/entities	IT, along with the appropriate body (HRU, external and internal auditors, or ESC)
<b>Step 6 – Recommendations</b>	<ul style="list-style-type: none"> <li>• In case of failing to substantiate the alleged wrongdoing, the case will be closed,</li> <li>• If found guilty, corrective and disciplinary action will be taken.</li> </ul>	IT, along with the appropriate body (HRU, external and internal auditors, or ESC)
<b>Step 7 – Final decisions</b>	Make a final decision to close the case or implement recommendations and corrective and disciplinary actions.	ES and the head of the GCGHU

<b>Step 8 – Final report</b>	Preparation of a comprehensive final report detailing the entire case	IT, along with the appropriate body (HRU, external and internal auditors or ESC)
<b>Step 9 – Archiving</b>	Case recording	IT
<b>Step 10 – Publication</b>	Publishing the report on the OSS website	Communication department

## 6- EFFECTIVENESS AND REVIEW

This Procedure will come into effect upon its adoption by the Executive Secretary of the OSS. It will apply to all ongoing projects and programs of the OSS to the extent possible, as well as those approved after the effective date.

This Procedure will remain in effect until it is modified or replaced. It will be reviewed and updated as needed.