

Cour des comptes



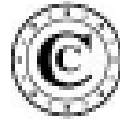
Chambres régionales  
& territoriales des comptes

**COOPERATION BETWEEN THE COUR DES COMPTES  
AND THE JUDICIAL AUTHORITY**  
*AN EXEMPLARY CASE*

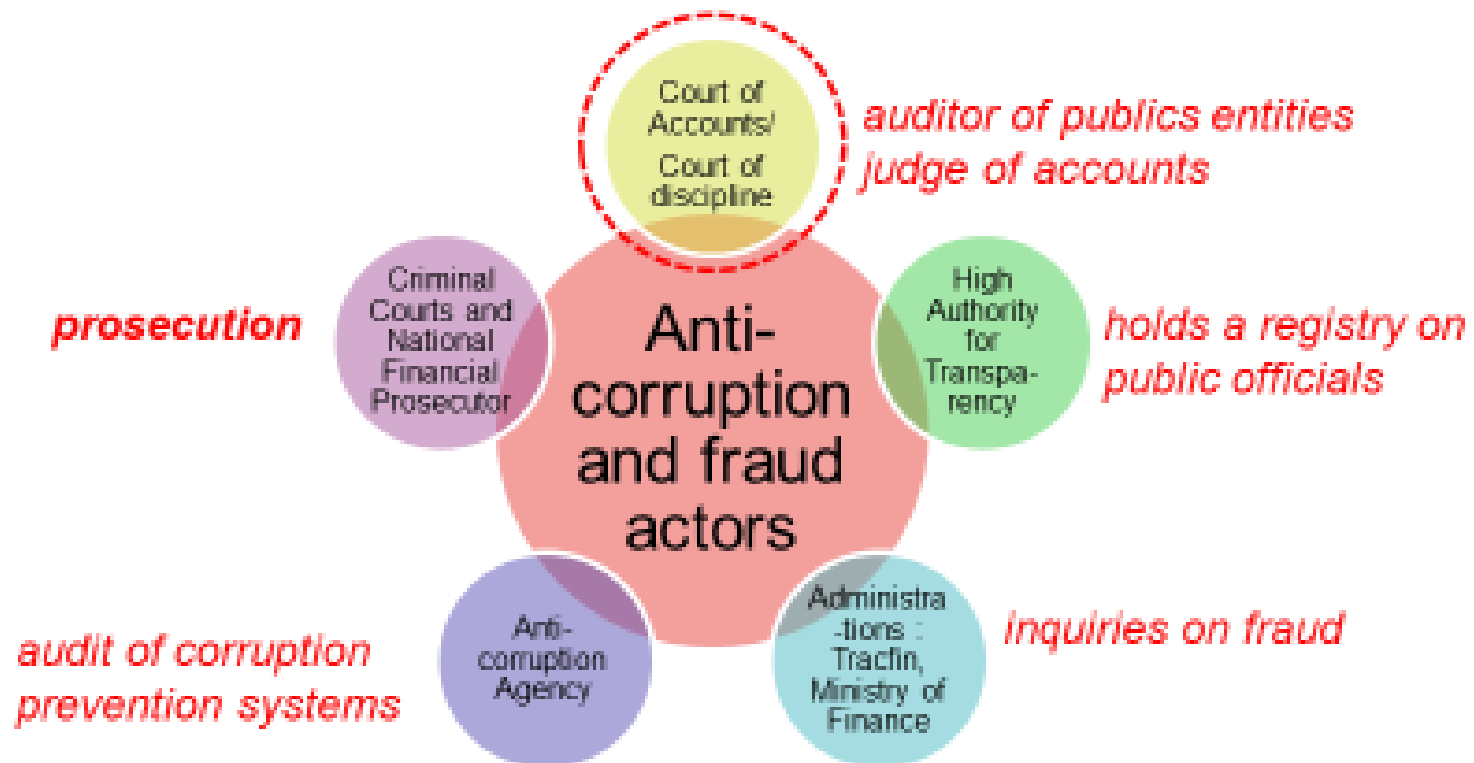
**Dominique DUJOLS**

**Senior counsellor and Liaison officer on fighting against corruption**

WGFACML Meeting – Bangkok – 10 October 2023



## THE COURT OF ACCOUNTS IS ONE OF THE NUMEROUS ACTORS IN THE FIGHT AGAINST CORRUPTION





## COOPERATION WITH HATVP AND AFA

- With High Authority for Transparency in the Public Life (HATVP): 2 members of the Cour des comptes are members of the college, and magistrates also investigate for the High Authority.
- With Anticorruption Agency (AFA): Regular exchanges between General Prosecutor and AFA. AFA sends to the Cour des comptes its annual program. Two members of the Cour are members of AFA Sanctions Committee.

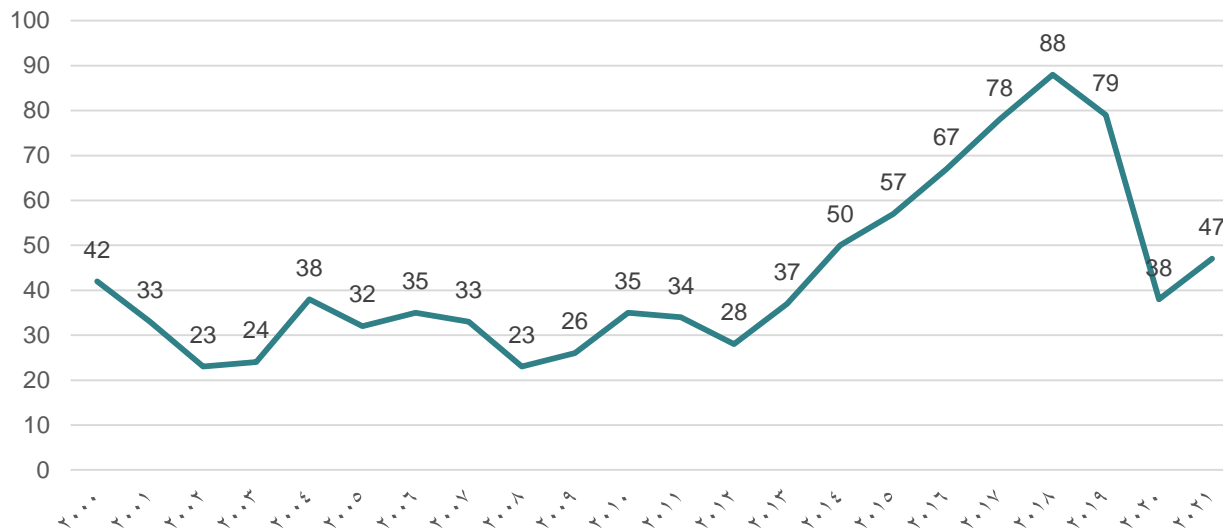


# COOPERATION WITH CRIMINAL JUSTICE

- **The status of magistrate, the proceedings are close to judicial Courts and make easy to cooperate**
- **The general Prosecutor near the Cour des comptes and the financial prosecutors near the Regional chambers exchange informations with criminal prosecutors and handover cases.**
- **These relations are enhanced since the PNF was created.**



## THE COUR AND THE REGIONAL CHAMBERS HANDOVER MANY CASES TO JUDICIAL AUTHORITY





## THE CASE OF THE « O » AGENCY

**This agency was created to help victims of medical injuries to received compensation.**

**Two main forms of compensation are paid by the O Agency**

- **The accident was due to a hazard, no fault had been committed. The Agency pays on its budget**
- **A health professional's fault was assumed or proven. The Agency pays, and then ask to the professional and his insurer to reimburse**

**Thus budget of the Agency is based on subsidies from Health insurance fund, and on reimbursements by insurers**



## **An audit by the Cour des comptes revealed serious mismanagement and breaches of probity**

- **Public procurement rules were not respected**
- **Claims to insurers were not systematic with important loss of money**
- **Victims' files were often handled unfairly**
- **Internal control was not implemented**
- **Favouritism was suspected**
- **Collusion with insurers was suspected**
- **State and Social security supervision appeared to be lacking**

**A parallel audit of the public accountant's accounts revealed also numerous shortcomings and undue interference by the agency's management.**



## **There was work for both the Cour des comptes and the criminal judge**

- **The Cour issued a very severe audit report with numerous recommendations**
- **The General Prosecutor near the Cour issued an indictment before the relevant chamber of the Cour against the public accountants**
- **He issued an indictment before the CDBF against the three highest managers**
- **He issued comminatory communications to the supervisory authorities**
- **He referred the matter to the Financial Public Prosecutor (PNF)**





## **A COMPLEX CASE WITH A MAJOR RISK**

**Many suspected infringements, some that may be classified as both criminal offences and offences under the Financial Jurisdictions Code. Thus, there was a significant risk of running up against the principle**

### **Non bis in idem**

**To avoid this risk, several meetings were held between the two Public Prosecutor's Offices, one with the Cour's investigating magistrate and the Gendarmerie's investigating department. It was then decided which jurisdiction would prosecute which given fact.**

**The gendarmerie having searched the Agency and the homes of the directors, the seals were examined in the presence of the magistrate of the Cour, with the agreement of both prosecutors**



## **RESULTS TO MATCH THE EFFORT THE FINANCIAL JURISDICTIONS**

**Following the audit and the General Prosecutor's communications, the government dismissed the three main managers, reformed the O Agency, of which procedures were completely rewritten.**

**The new management launched recovery procedures against insurers and obtained very substantial sums**

**The accounts were judged by the Cour and the accountants were sanctioned for failure to comply with accounting obligations (without any criminal offence);**

**The Court of Budgetary and Financial Discipline (CDBF) judged the three directors and they were sanctioned with significant fines for serious breaches of financial regulations and mismanagement:**



## **RESULTS TO MATCH THE EFFORT THE CRIMINAL JUSTICE**

**Two directors accepted a "preliminary recognition of guilt" procedure.**

**The first director, guilty of favouritism, received a 6-month suspended prison sentence and a €50,000 fine. The second one received a 3-months suspended prison sentence and a € 20,000 fine.**

**The third was judged and found guilty of favouritism and false declaration of interest (concealing his links with insurers). He was given a suspended 4 months prison sentence, fined 2,000 euros, and a two-year suspended ban on holding public office**

**A company has been found guilty of concealing favouritism and was fined 20,000 euros + 1-year suspended exclusion from public procurement contracts**



## TO CONCLUDE

**What's most interesting is not the severity of the sentences handed down, although they are significant**

**It's the continuity and progression in the response to a situation that is both serious and complex:**

- **from measures to radically reorganize a public agency, following the audit phase and the communications of the General Prosecutor.**
- **To judgments by financial jurisdictions against accountants and manager**
- **And to criminal convictions including prison sentences**



# **The audit feeds into the jurisdictional and judicial function**

**Jurisdictional and criminal  
proceedings give the audit its full  
effectiveness.**



**THANK YOU FOR YOUR  
ATTENTION**