



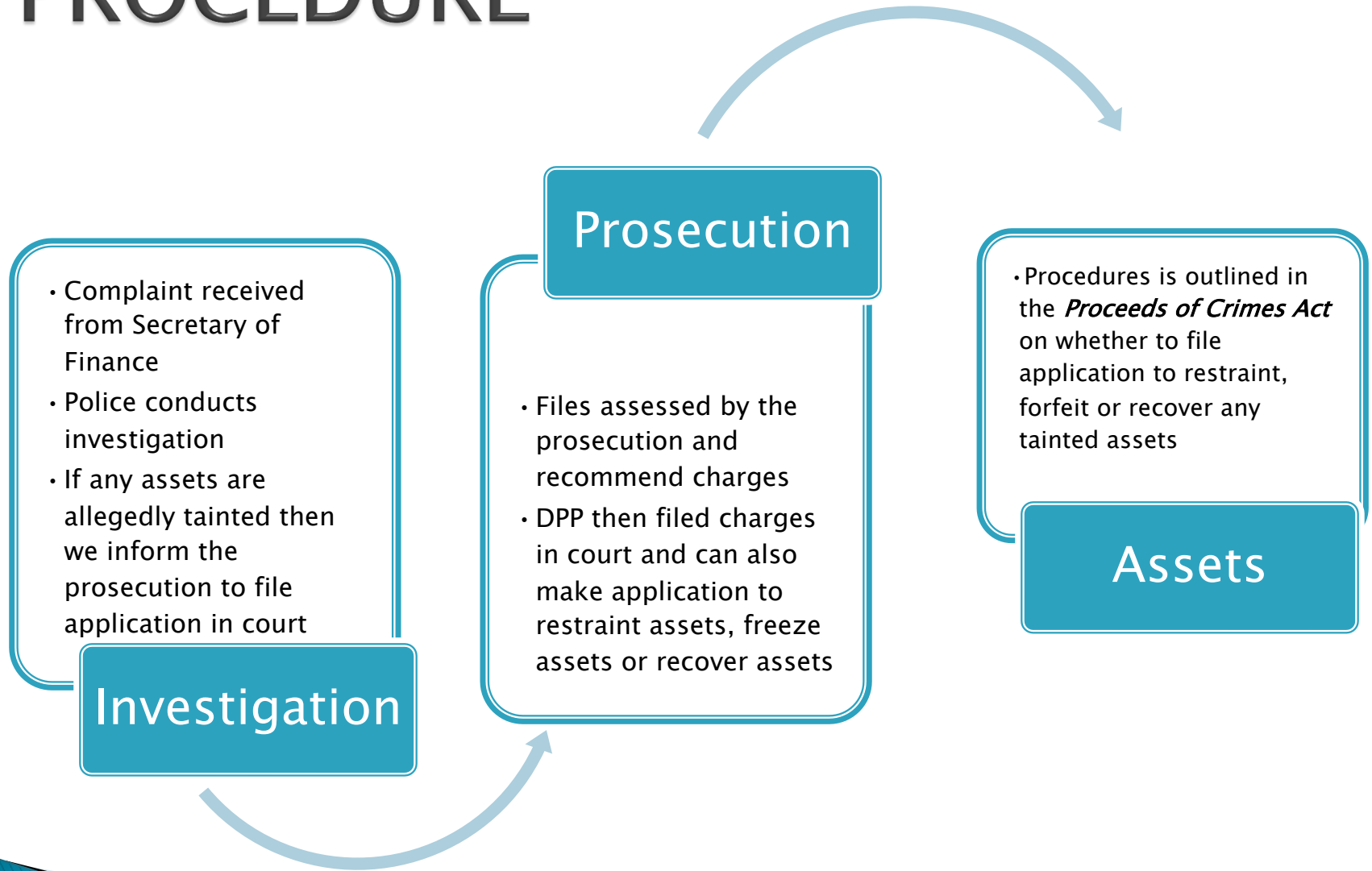
Asset Recovery: Freezing and Seizing Assets – NAURU

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Nauru Police Force

LAWS

- ▶ **Proceeds of Crimes Act**
- ▶ **Criminal Code Act 1899**
- ▶ **Criminal Procedure Act 1972**
- ▶ **Anti – Money Laundering Act 2008**

PROCEDURE



CASE STUDY

- ▶ **Republic v Botelanga [2010]**
- ▶ **Facts**
 - The Accused was employed as a Cheque writer with the Nauru Treasury Department. She had forged 12 Cheques and then obtained about **AUD78,644**. She had used the money to buy food and some household items for her relatives and for herself, however we only seized the Motorbike.
- ▶ The motorbike was kept with the Department of Justice after it was seized and I am not in a position to confirm what happened to it.
- ▶ It was difficult in tracing the Cheque since most of the shops do not have any receipts or invoices that they issue to the Accused.
- ▶ Record keeping is quite poor in most of the shops

Summary of what we did in the case



- Complaint received from Finance Department about the alleged forgery and misappropriation of funds after they had done their reconciliation
- Police conducted the investigation specifically the Criminal Investigation Unit (CIU)
- Traced the signatures on the Cheques – Secretary denied his signature
- Accused interviewed – Admitted

Investigation

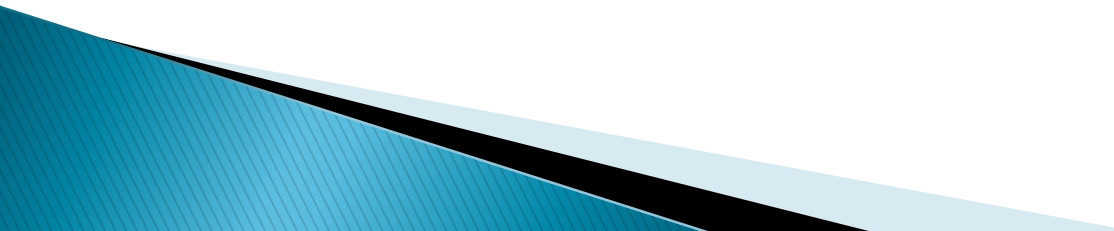
Prosecution

- Files submitted to the Prosecution for assessment with the possible charges
- Charged with 12 Counts of Forgery (12 Cheques), 12 counts of Uttering and 12 Counts of Obtaining **AU\$78,644**.
- She pleaded guilty and sentenced to 2 years 6mnthsimprisonment without any fine though it was suggested to the court

- We only recovered the Motorbike she had bought although we managed to identify which shop she had used the Cheques with, there were no receipt or invoice of the items she had bought. However we obtained statements from the shop owners on what were some of the items they remembered she bought
- She used the Cheque in most of the Chinese shops, supermarkets and Hotels.

Assets

Gaps in our system

- ▶ Enforcement of the law is still weak.
 - ▶ Limited resources in investigating this sort of complaints
 - ▶ Investigators are still not well versed in investigating this area since this was the 1st one ever in Nauru and the only case so far
 - ▶ Lack of awareness to the public on this area of the law and to encourage complaints
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Way forward

- ▶ Training of the police officers on how to investigate such complaints
 - ▶ Awareness to all government departments and the public for such complaints to be lodged
 - ▶ Resources in training our police and prosecution team
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