



ATTORNEY GENERAL'S CHAMBERS
BRUNEI DARUSSALAM



Case Study:

Restraining and Confiscation of Property in *Public Prosecutor v Ramzidah and Nabil*

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Ramzidah
and Nabil are
married

1

QUICK RECAP



2

They have 2 children, 1
of whom was studying in
the UK at the time

3

Both were senior
judicial officers.

4

Ramzidah was a Deputy
Official Receiver and held
Official Receiver's bank
accounts on trust for repayment
of JDs' debt

5

They led very
lavish lifestyle.



Investigations
began



Trial began and
ended in
November 2019



Restraint order
issued



Jan 2018

July
2018

Sep
2019

Jan 2020

Feb
2020

Jun 2021

Prosecution



Filed for
restraint order;
Conviction



Appeal heard,
conviction
upheld



WHERE ARE WE NOW?



EXHIBITS SEIZED BY THE ACB

FUNDS EMBEZZLED

About \$15.75 million



MONEY IN 19 BANK ACCOUNTS

Over BND 600K

21 LUXURY CARS

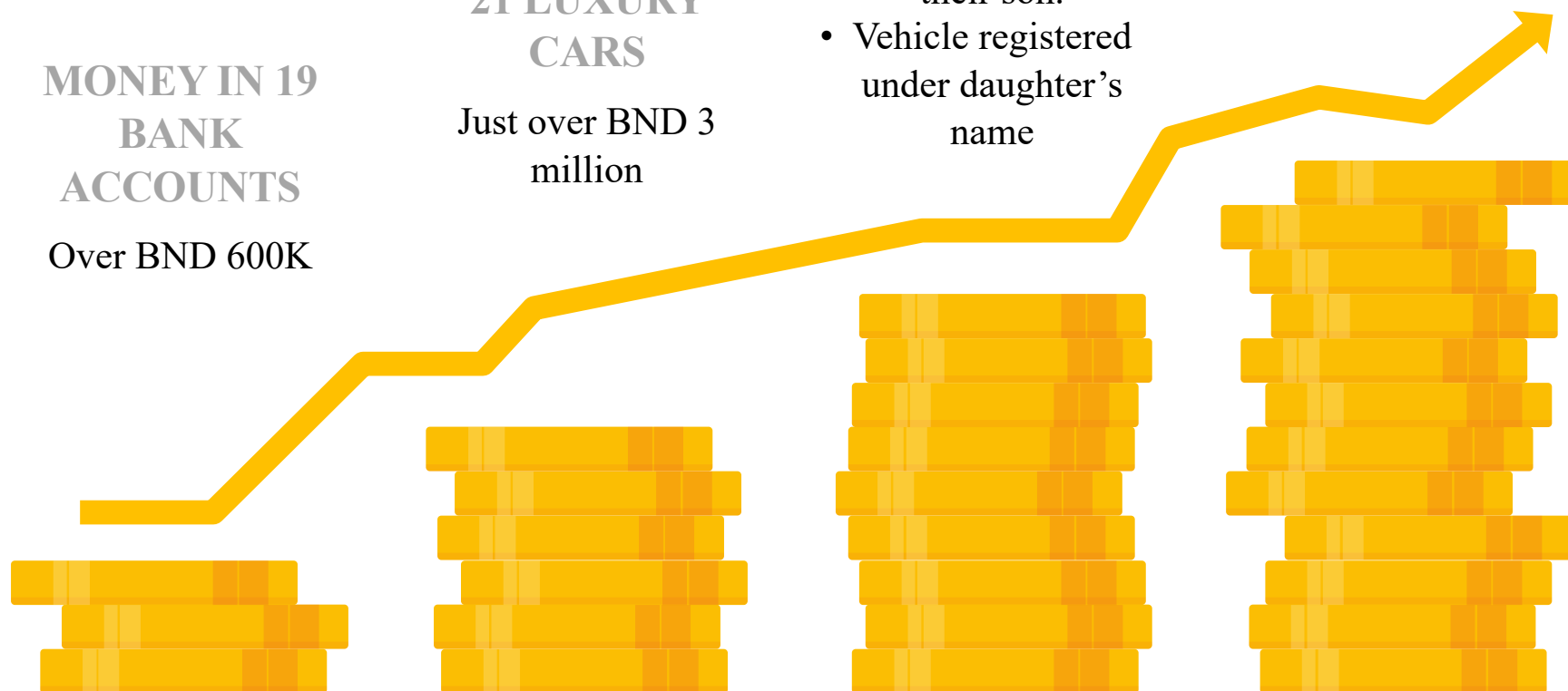
Just over BND 3 million

INCLUDING

- Bank accounts under their children's name
- Bank account jointly held by Nabil and their son.
- Vehicle registered under daughter's name

456 LUXURY ITEMS

Handbags, small leather goods, watches and shoes estimated to be more than BND 1 million in market value





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BERITA PERDANA 8

TAU PALING SIHAT DAN SELAMAT ■ PENGKORPORATAN JABATAN PERKHIDMATAN POS DIHASRAT AKAN DAPA



WHAT IS NEEDED TO GET A RESTRAINING ORDER?

Reasonable grounds to suspect property is tainted property

CONFISCATION ORDER may be made

“TAINTED PROPERTY”

(c) Proceeds of crimes;

“TAINTED PROPERTY”

(d) Property the acquisition of which the person's income from sources unrelated to criminal activity cannot reasonably account for



“PROCEEDS OF CRIME”

Any property or benefit derived or realised directly or indirectly from a serious offence; or from a disposal or other dealing with proceeds of a serious offence,

“SERIOUS OFFENCE”

Local or foreign written law which attracts penalty of at least 6 months imprisonment, fine of more than BND 1K or a more severe penalty

STANDARD OF PROOF

Balance of probabilities



ANALYSIS OF THEIR SCB JOINT ACCOUNT



BND 10K NOTES

A number of the notes withdrawn from the OR account were subsequently deposited into their SCB joint account. In total, **BND 470K** deposit was made.



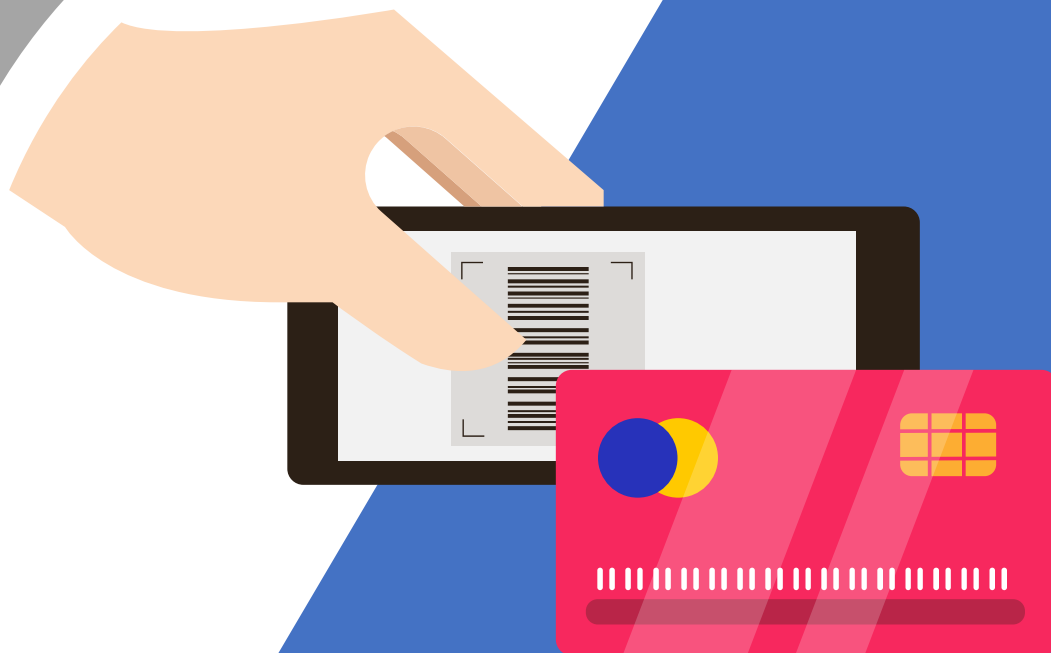
LARGE DEPOSITS

Made into the joint account on the day or a few days after withdrawal from the OR account. Based on this pattern, a total of almost **BND 1 million** deposited.



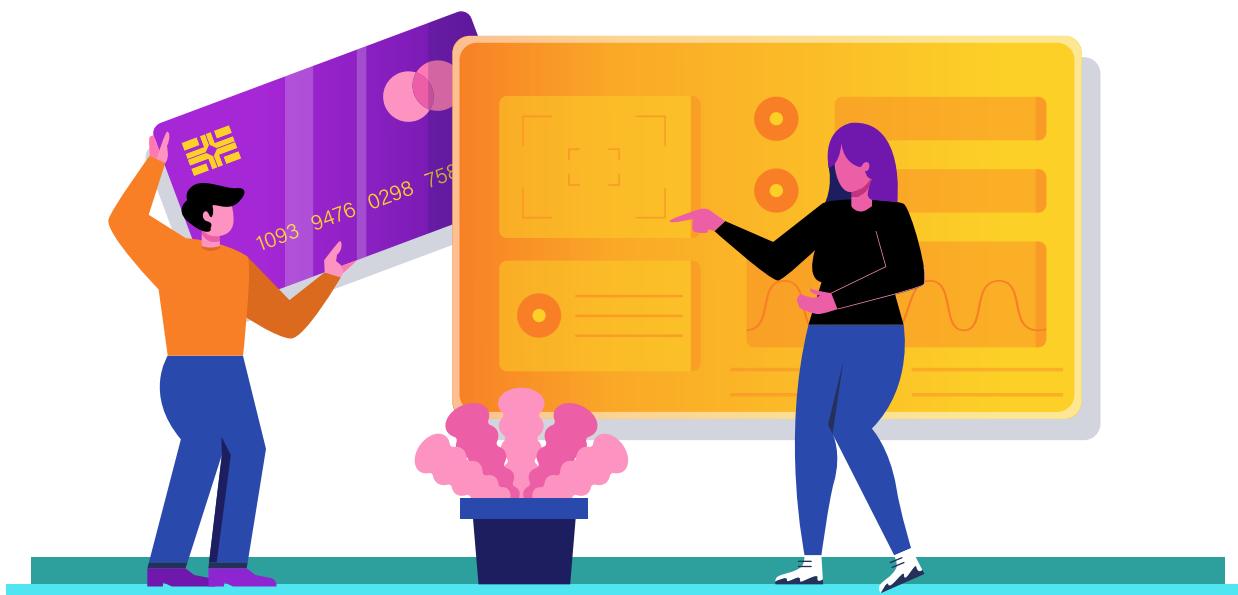
BETWEEN 2011 and 2017

About **BND 5.9 million** deposits were made into their joint account.





OTHER BANK ACCOUNTS



CASH DEPOSITS

Seen frequently in **10** other accounts held in Brunei under both their names and also children



TRANSFERS

Subsequent transfers to **4** other local accounts, and their UK joint bank account which was used to transfer to **1** other local account.



2 SALARY ACCOUNTS

Used purely for receiving salary and did not show any link to the proceeds of crime



1 OF SON'S ACCOUNT

Funds were contributed by the maternal grandmother.



VEHICLES ANALYSIS



BND 10K NOTES

Used to pay 4 luxury vehicles. (Jaguar, Porsche, Mercedes AMG)



CAR PAYMENTS

Large amount of cash used to pay for 21 vehicles between 2008 and 2017 soon after withdrawal is made from the OR account. In total, over BND 2 million paid in cash



TWO CARS

Registered under Nabil's name and were on hire purchase but repayments were made by his father



DISPROPORTIONATE WEALTH

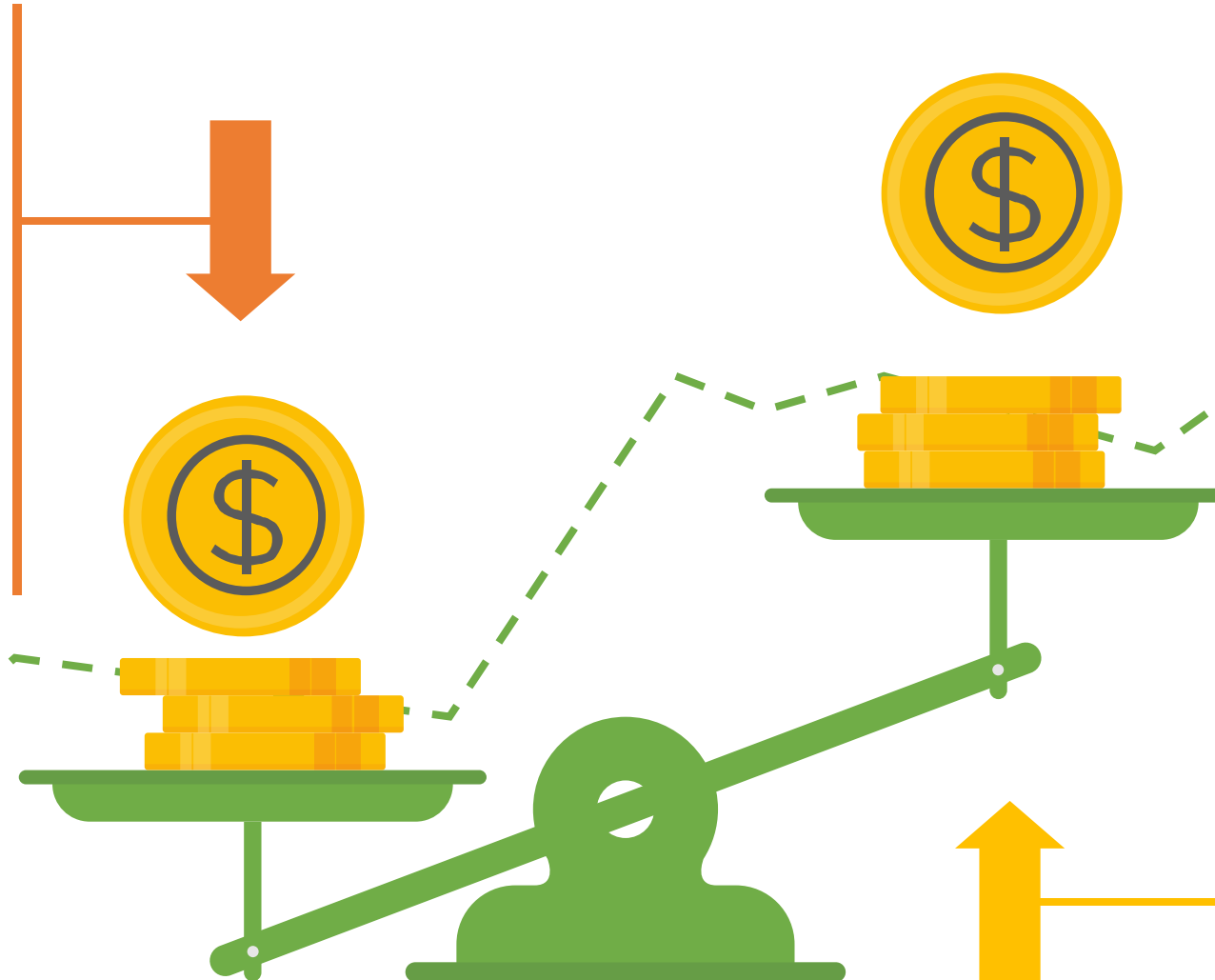
CASH USE (2011-17)

(based on cash deposits, cash payments for cars and credit card payments only)

ABOUT BND 9.7 MIL



LUXURY ITEMS
ABOUT BND 1 MIL



LEGITIMATE INCOME (2003-17)

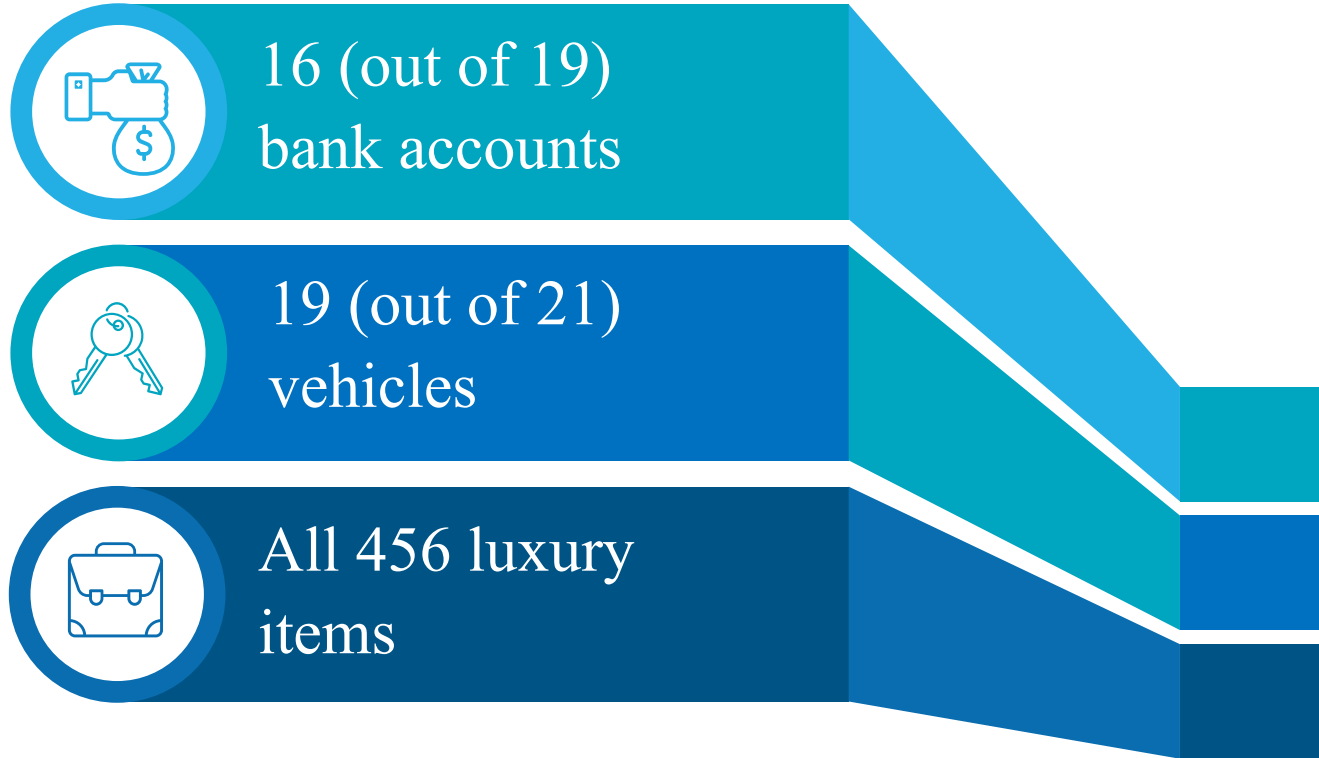
SALARY -
GOVERNMENT ALLOWANCES -
GIFT FROM NABIL'S FATHER-

ABOUT BND 1.3 MIL



PROPERTIES UNDER RESTRAINT

ORDER (Currently still enforced)





Restraint order

The maximum length of time valid is 1 year.



Interim Restraint Order

Extension of the validity of restraint order has been made twice pending the filing of forfeiture application



Application for conviction-based forfeiture order

Can be made within 2 years from date of conviction *and will be filed.*



WHAT WILL COME NEXT?



**Filing of a Notice of Motion
for a Confiscation Order**

1



**Trial in the High Court if the
application is contested**

2



**If Court is satisfied that it is
tainted property, a
Confiscation Order will be
made**

3



**Property subject to CO may
be sold off and the proceeds
deposited into the Criminal
Asset Confiscation Fund**

4

The background features a large yellow circle with a dotted pattern, an orange circle with a dotted pattern, and a blue circle with a dotted pattern. A dark blue banner with a thin white line runs horizontally across the center. Two circles with diagonal blue and white stripes are positioned on either side of the banner. A small grey circle with diagonal stripes is located in the bottom right corner.

Thank You!