



# ***Anti- Corruption Bureau Prime Minister's Office Brunei Darussalam***





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# Introduction



- On January 1, 1982, the Government of His Majesty the Sultan and Yang Di Pertuan of Brunei Darussalam had enforced the Emergency (Prevention of Corruption) Act, which was subsequently in 1984 known as Prevention of Corruption Act (Chapter 131). For the purpose of enforcing the said enactment, an independent body was established called the Anti-Corruption Bureau (ACB) on February 1, 1982.
- The Prime Minister's Office is the central coordinating body for all Government Ministries and Agencies which includes Judiciary Department, Attorney General's Chambers and Law Enforcement Agency.
- Anti-Corruption Bureau is a member of the National Anti-Money Laundering and Combating the Financing of Terrorism Committee (NAMLC).







# Anti-Corruption Bureau (ACB)



- ACB is an organisation responsible for investigating corruption and any sizeable offence under written law which may disclosed in the course of an investigation under Prevention of Corruption Act.
- ACB employed 3 core strategies to combat corruption namely investigation, education/prevention and community relation.
- ACB completed Investigation Papers will be forwarded to the Attorney General's Chambers (AGC) for advice.
- The Attorney General's Chambers (AGC) will decide to proceed with prosecution or otherwise.
- This is to ensure the check and balance between investigation and prosecution
- In 2012, ACB officers are given authorisation to investigate Money Laundering Offence under Criminal Asset Recovery Order, 2012 (CARO)
- In 2015, Brunei enacted a new corruption laws to address abuse of power and misconduct in public office.





# Case Study



Case: Public Prosecutor Vs Ramzidah and Haji Nabil Daraina  
High Court of Brunei Darussalam  
Criminal Trial No. 11 of 2018

[http://www.judiciary.gov.bn/Judiciary\\_Judgments/HCCT-11of2018\(Judgement\).pdf](http://www.judiciary.gov.bn/Judiciary_Judgments/HCCT-11of2018(Judgement).pdf)





# Case Study



- In December 2017, ACB received information regarding two judiciary officers being in possession of unexplained property and living beyond means. Information also stated that one of the judiciary officer is willful misconduct of her duty as an appointed Official Receiver for Bankruptcy cases.
- The two judicial officers are husband and wife. The husband was a Senior Magistrate, and the wife was appointed as Official Receiver for Bankruptcy cases. The wife had used her authority as an Official Receiver to unlawfully obtain funds from 255 judgement Debtors' Official Receiver (OR) accounts between 2004-2017. More than BND15.7 million was embezzled by the wife. The couple lived in luxury and spent money to purchase 19 luxury cars such as Mercedes, Porsche and Jaguar and 456 pieces of luxury items such Rolex watches, and Chanel and Dior handbags were also seized from them.





# Case Study



The offences investigated are under:

- Possession of Unexplained Property, Section 12 Prevention of Corruption Act
- Criminal Breach of Trust (CBT), Section 409 Penal Code and
- Money Laundering Offence, Section 3 of Criminal Asset Recovery Order, 2012.
- ACB open parallel investigation papers i.e., predicate offence and money laundering offence
- Multi-disciplinary team was assigned to investigate the case





# Inter Agency Cooperation



ACB worked closely with several agencies and public bodies in Brunei. The agencies are as follows:

- Financial Intelligence Unit (FIU), Brunei Darussalam Central Bank
- Judiciary Department
- Royal Brunei Police Force
- Land Department
- Land Transport Department

In addition to government agencies ACB also works closely with Private Bodies:

- Banks in Brunei
- Car dealership
- Private law firms

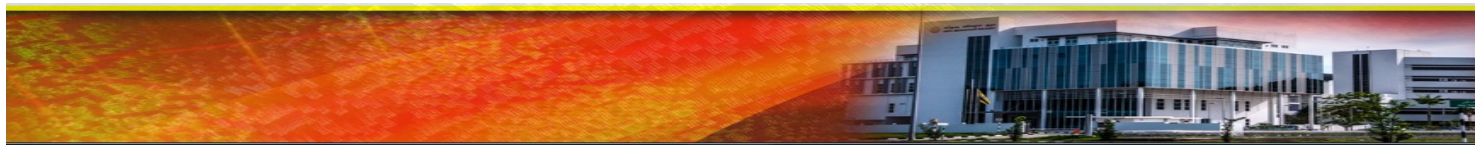






# Domestic Investigation

- During the initial stage of investigation, ACB obtained cooperation from Financial Intelligence Unit, Brunei Darussalam Central Bank to gather financial intelligence to build up and ascertain the allegation.
- FIU provide STR, CTR and \$10,000 notes circulation report.
- FIU also provide financial intelligence from another jurisdiction using their Egmont Group Network.
- Investigation revealed that from 2011 to 2017 approximately BND9 Million cash money was used to deposit to their accounts in Brunei, credit card payments and car purchase.
- It was also revealed that they frequently send bank telegraphic transfer to their accounts in United Kingdom. In 2016-2017 they transferred nearly a million BND dollars.
- They owned 19 luxury cars and several luxury items.
- ACB also sought cooperation from banks and car dealerships in gathering evidence.





# Overseas Investigation



- Frequent travelers to United Kingdom (UK) at occasion for 2-3 times a year.
- Both claim a high volume of tax refund (VAT) in the UK. VAT refunds for shopping spree at Harrods London for 2 weeks visit was approximately GBP64,000 and shopping spree at Selfridges London approximately GBP14,000 for the same 2 weeks stay.
- Rented two(2) residence in UK. One near Harrods London.
- Owns apartment in Kuala Lumpur, Malaysia
- Owns several bank accounts in UK, Malaysia and Singapore

## United Kingdom (UK) Investigation

- With the information gathered for UK, ACB seek assistance from National Crime Agency (NCA) (UK) via International Anti-Corruption Coordinate Centre.
- NCA UK assisted in gathering banks accounts details, property and statements from landlords for the rented residence. These documents was later tendered in court via Mutual Legal Assistance (MLA) with the assistance from Attorney General's Chambers.





# Overseas Investigation



## Malaysia Investigation

ACB seek assistance from Malaysia Anti-Corruption Commission (MACC) to traced the apartment and bank accounts. MACC also assisted in getting statement from witness in Malaysia. The statement was applied to be tender in Court through MLA.

## Singapore and Thailand Investigation

ACB also seek cooperation from counterpart Corrupt Practices Investigation Bureau (CPIB) Singapore), National Anti-Corruption Commission (Thailand) to traced bank accounts and any properties registered in Singapore and Thailand under their names or immediately family.

Beside assistance from foreign counterpart, ACB additionally seek assistance from Brunei FIU via Egmont Group network to gather more banking information in other countries.





# Court Proceeding



The two judiciary officers faced 40 charges for offences of criminal breach of trust by a public servant under Section 409 of the Penal Code, Cap 22; money laundering (ML) under Section 3, CARO; and possession of unexplained property under Section 12, Prevention of Corruption Act, Cap 131.

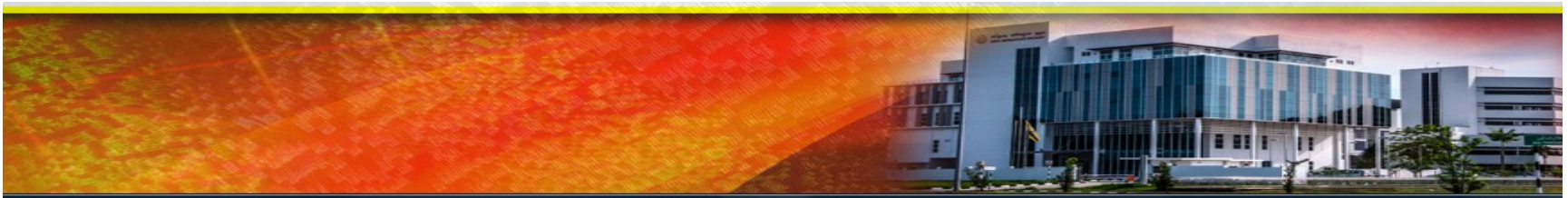






# Case Study Judgment

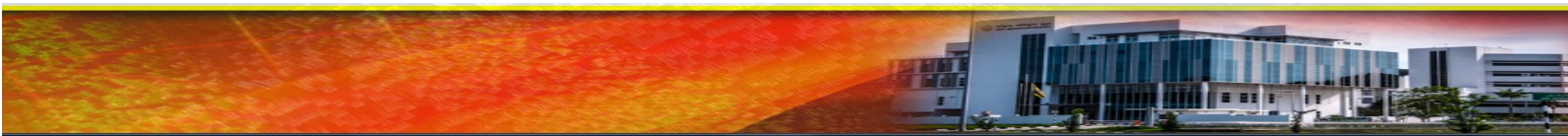
- On 15 January 2020, the two judicial officers were convicted of the charges and thereafter sentenced to 5 years for the money laundering charges and 10 years imprisonment for the CBT. They subsequently appealed to the Court of Appeal against conviction and sentence.
- The prosecution also applied for a restraining order under Section 49 CARO over the properties seized by the ACB during investigations, as well as for the judicial officers to pay prosecution costs of a total of BND1.5 Million within 6 months or otherwise face additional imprisonment.
- On 6 July 2021, the Court of Appeal Judges had dismissed their appeal against conviction and had increased the sentences from 10 years to 15 years imprisonment and from 5 years to 7.5 years imprisonment.





# Conclusion

- This is one of the biggest case ever investigated by the ACB, high profile case involving two senior judicial officers result in conviction of CBT of public money from bankruptcy cases and money laundering of the proceeds of crime.
- ACB intent to proceed with asset recovery under civil action and CARO in hope to repay the victims. ACB have initiate confiscation proceeding for their bank accounts, seized cars and luxury items estimate total of \$5M.
- ACB encountered several challenges in investigating the case. Some of the challenges are:
  - Financial records exceeding 7 years are not available (\$6M are said to be still unaccounted for)
  - Cash transactions: no paper trails
  - Inconsistent reporting from banks and car dealership
- Way Forward (Lesson Learnt)  
Ways to improve investigations such as:
  - training in financial, forensic accounting
  - alerts suspicious transactions for cars paid in cash, deposits in banks
  - faster response from international counterparts





**THANK YOU**

