



CHALLENGES AROUND BRIBERY AND CORRUPTION INVESTIGATIONS

SEYCHELLES

E.G of offences under the AC Act which we find challenging to investigate in relation to bribe being paid:

- **23. Unlawful gratification**

(1) A public officer shall not corruptly solicit, accept or obtain, or agree to accept or attempt to receive or obtain, from any person for himself or for any other person, any gratification as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, anything in relation to any matter or transaction, actual or proposed, with which any public body is or may be concerned.

e.g. An Immigration Officer accepting bribe to provide extension of visitor's permit or gainful occupation permit unlawfully.

E.G of offences under the AC Act which we find challenging to investigate in relation to bribe being paid:

- **24. Abuse of position**

(1) A public officer shall not-

(c) use his or her position, office or information to obtain, promise, offer or give an undue advantage to himself or herself or to another person, directly or indirectly, in order for him or her to perform or refrain from performing his or her duties; or

(d) solicit or accept directly or indirectly an undue advantage or benefit for himself or herself or for another person in order for him or her to perform or refrain from performing his or her duties.

e.g. The head of a Government Welfare Agency using the information available to him under his post to direct welfare benefits to his own or relative bank accounts using applicants application.

Offences under the AC Act which we find challenging to investigate in relation to bribe being paid:

- **32. Gratification for giving assistance etc., with regards to contracts**

(1) A public officer commits an offence and is liable, on conviction, to a fine not exceeding SCR300,000 or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment if he or she directly or indirectly, by himself or herself, or by, or in conjunction with, any other person, corruptly solicits, accepts or obtains, or agrees to accept or attempts to receive or obtain, from any person for himself or herself or for any other person, any gratification as an inducement or reward for or otherwise on account of, that public officer giving assistance or using influence in, or having given assistance or used influence in-

(a) the promotion, execution or procurement of-

(i) any contract with a public body or private body for the performance of any work, the provision of any service, the doing of anything or the supplying of any article, material or substance; or

(ii) any sub-contract to perform any work, provide any service, do anything or supply any article, material or substance required to be performed, provided, done or supplied under any contract with a public body or private body; or

e.g. Collusion between a Project Officer and contractor

Challenges: Seychelles perspective:

- A large percentage of our population has not evolve to electronic use for doing transactions – which makes tracing challenging
- Most bribes are being paid by cash leaving no trace
- The size of our population (everybody knows everybody)- Witness are unwilling to come forward or provide conclusive evidence
- Individuals would rather be informant than whistle blower because of such
- Individuals are reluctant to come forward and make a complaint for fear of victimization in public office
- The inability to provide whistle blower protection to date as there is no structure yet under section 69
- Internal restrictions –
 - *lack of budget
 - *Inadequacy of Staff
 - *knowledge of procurement processes and budget dependent entity accounting processes