



OECD Africa Academy for Tax and Financial Crime Investigation



Bribery and Corruption Investigations (Specialty) Pilot Programme
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Bribery: Criminal?

What is Bribery?

...when committed intentionally:

(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

UN Convention against Corruption 2003, Art 15.



What is Bribery?

“a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.

a criminal offence, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.”

UN Convention against Corruption 2003, Art 16.





Why does it matter?

“Concerned about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law,

Concerned also about the links between corruption and other forms of crime, in particular organized crime and economic crime, including money laundering,

Concerned further about cases of corruption that involve vast quantities of assets, which may constitute a substantial proportion of the resources of States, and that threaten the political stability and sustainable development of those States,

Convinced that corruption is no longer a local matter but a transnational phenomenon that affects all societies and economies, making international cooperation to prevent and control it essential...”

UN Convention Against Corruption, Preamble, para. 1- 4



Bribery as a behaviour

- **Why Bribe?**
 - The person paying the bribe must have a need to do so,
 - The person receiving the bribe must have a motive, opportunity and without a moral quandary

- **Briber's dilemma**

- When does the person will get a bribe?
- How do they get to that point without being reported?



(the briber) know that they

- **Dual liability**



What does this mean for the evidence?

- **Income and position**
- **Personal association**
- **Unexplained wealth**
- **Spending/receipts**
- **Contractual documents**
- **Financial and Company Information**



Any Questions?