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BRIBERY AND CORRUPTION – RWANDA PRESENTATION

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STATUS OF CORRUPTION IN RWANDA

In RWANDA, the Anti-corruption policy is governed by National Legal framework and international treaties; Publics different agencies in charge of anti-corruption and the RWANDA Anti-corruption established the guidelines and strategies of preventing, detecting, investigating and punishing the corruption;

One of those strategies is that all public servants must declare their assets and justify any increment if any and also investigate the Life style of public servants and the independents (Taxpayers).



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CHALLENGES

Investigation of Bribery and Corruption cases become very challenging on many aspects but we may arrow it to three main areas:

- At Investigation level,
- At prosecution level,
- And Judgement level



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CHALLENGES CONTINUED

Investigators always want to rely on documentary evidences which is proved to be hard to find in the case of bribery and corruption offenses. The evidence that can be most reliable in this case catching the offender red handed.

In addition corruption is entered into by two persons in secret area that no one can find them and it is always done between people who are known each other. This render it very difficult to get needed evidence either for investigation or prosecution.

Further, involvement of investigation staff make it difficult as the leakage of information is more likely during critical phases of investigation.



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CHALLENGES CONTINUED

Further more, the legal aspect of corruption harden investigation of corruption case as it has no prescription every one involved tend to remain silent as long as corruption is concerned fearing being jugged anytime the information is revealed. To this also we may take note that whoever gives or receives bribe or corruption face the same sanctions and this explains the reason why no one can uncover the bribe secret.

At prosecution level the matter lies with the steps involved in obtaining the evidences that prove beyond reasonable doubt that Bribe or Corruption was given and received. It was also observed that some of prosecutors are corrupted and that may invalidated a case that should otherwise have valid reasons for being sound for court to enter into. Obtaining evidence from third parties who are aware of corruption case is very difficult because there is no motivation scheme that may encourage them.

At court pronouncement level it is rare but existent that judges may be corrupt and the pronouncement goes on opposite side. However this happens at lower level.



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CASE STUDY

In 2020, due to corona virus (Covid19) pandemic almost all borders were closed and a lot of cross-border businesses were temporarily suspended. Cargo truck were allowed to cross-border especial those that transported fuel and food stuffs from or to neighboring countries. Other vehicles needed permission to pass (called “PASS”) that allows the owner to go anywhere for emergencies and indispensable services. The liquor smugglers bribed the Police officers in charge of issuance of those passes and also corrupt official who were in charge of controlling the goods that exit or enter the country at one of border post located in the west part of the country.



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Offense trend

From the beginning the case was not a corruption case rather a Fraud case.

A liquors fraudster used to export food stuffs from Rwanda to the Democratic Republic of the Congo and pretended to come back with an empty truck. However, the truck was always packed with a lot of cartons of liquors. There was a living home where the smuggler hid those liquors that is located not far from customs area is it was like in 2kms.



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Case Investigation and Proceedings

We received information about the smuggling of liquors and go through all the steps to obtain a permission to operate in that abnormal period of the pandemic.

First, we begun by physical surveillance of both the area near the border with a target to track the truck, The location of the living home and surroundings. The surveillance was very successful because after only three days we got the suspect.

Second, We searched the house and found around 1600 cartons and bottles of liquors all together. The liquors were seized and will be sold in auction because the court decided so on the end.



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Case investigation and proceeding continued

After the seizure a precaution detention was necessary.

The further step was interview and it is through interview that we realized that the fraud was facilitated by the police officer who was in charge of issuance of “Passes” and two customs officers who were responsible of verification of goods that pass in customs as importations.

Here that shape of the case seemed to have changed as another offence was spotted that involved four persons; The smuggler, the Police man and two customs officers were arrested for corruption.

In Rwanda, we may clarify that whoever gives or receives bribe and/or corruption face the same sanctions.(art. 4 law n° 54/2018 of 13/08/2018 on fighting against corruption)



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Case investigation and proceeding continued

At this level, we call for inter-agency co-operation and the case should be dealt with by Revenue Investigation (RRA) for to apply tax, penalties and fines resulting from evasion of tax through smuggling and Rwanda Bureau of Investigation (RIB) for Prosecution of Tax Fraud and Corruption.

This is because RRA deals with civil element and criminal aspect of the case fall out of the scope of RRA. I should be dealt with by RIB which has mandate of Criminal Investigation and Prosecution.

On institutional side, The police officer as well as two customs officers were suspended from civil service. On criminal side which is not our responsibility, Suspects were brought before the competent court and faced two years imprisonment (for Police officer and two customs officers) and Five years of imprisonment (for the fraudster).



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