



# FROM BEHIND THE DESK TO BEHIND **BARS**



BY:

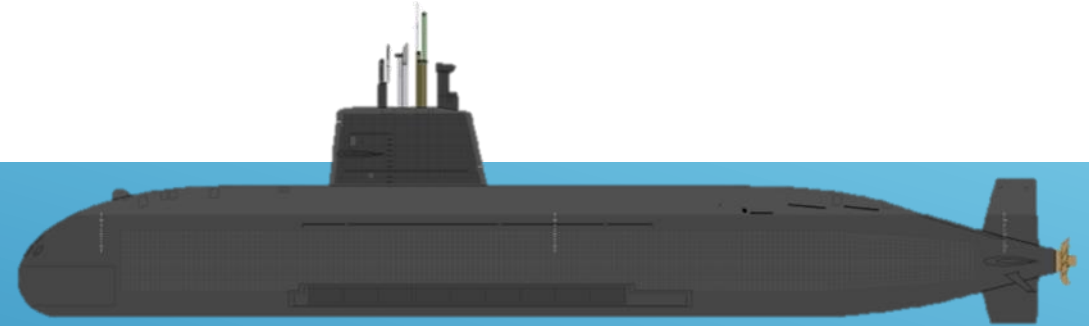
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# TOWARDS A SUCCESSFUL CAREER

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**TOWARDS DOOM**

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**PROMOTING A CRIME-FREE  
CIVIL SERVICE**



## WHO ARE **CIVIL SERVANTS**?

Civil servants are persons employed within the Public Service Commission by His Majesty the Sultan and Yang Di-Pertuan i.e. Government officials



# WHO ARE **PUBLIC SERVANTS**?

Under Section 8 of the Public  
Service Commission Act,  
Chapter 83 ~

“Every member, officer and  
servant of the Commission  
shall be deemed to be a  
public servant within the  
meaning of the Penal Code”



# **OFFENCES COMMITTED BY CIVIL SERVANTS IN THE COURSE OF DUTY**

# PREVENTION OF CORRUPTION ACT

## CHAPTER 131



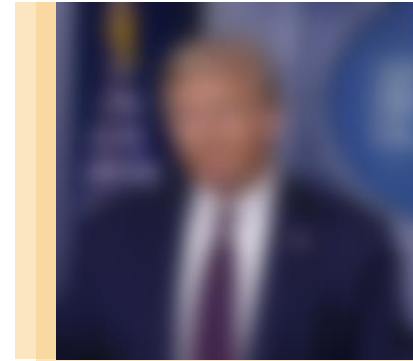
CORRUPTION



POSSESSION OF  
UNEXPLAINED  
PROPERTY



PUBLIC OFFICER USING  
PUBLIC FUNDS FOR  
PRIVATE PURPOSES,  
GIVING UNDUE  
PREFERENTIAL  
TREATMENT,  
MISUSING INFORMATION  
ETC



PUBLIC OFFICER  
WILFUL MISCONDUCT  
OR NEGLIGENCE OF DUTY



# PENAL CODE

## CHAPTER 22



Obtaining valuables without consideration



Criminal Breach of Trust



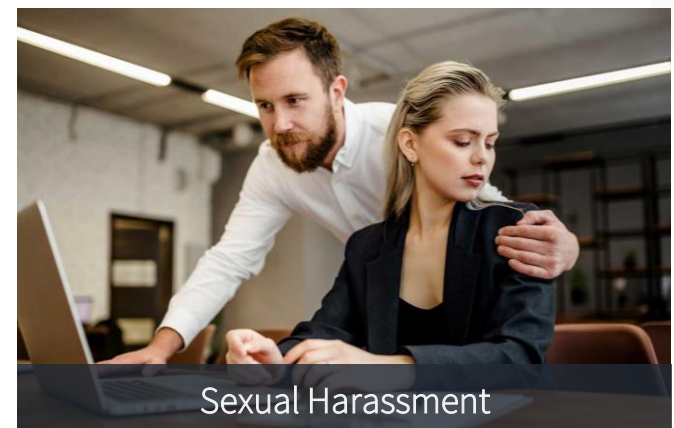
Forgery



Falsification of document



Cheating



Sexual Harassment



# OFFICIAL SECRETS ACT

## CHAPTER 153



**Wrongful communication of Information**



**Unauthorised use of uniforms, falsification of reports, forgery, personation and false documents**



**CORRUPTION**

A word cloud featuring the word "CORRUPTION" in various sizes and orientations. The word is repeated many times, creating a dense, textured background. A large, bold, black version of the word "CORRUPTION" is centered in the middle of the image, with a thin horizontal line passing through its center. The background is a grayscale collage of the same word, some appearing as if they are pieces of torn paper or tape.

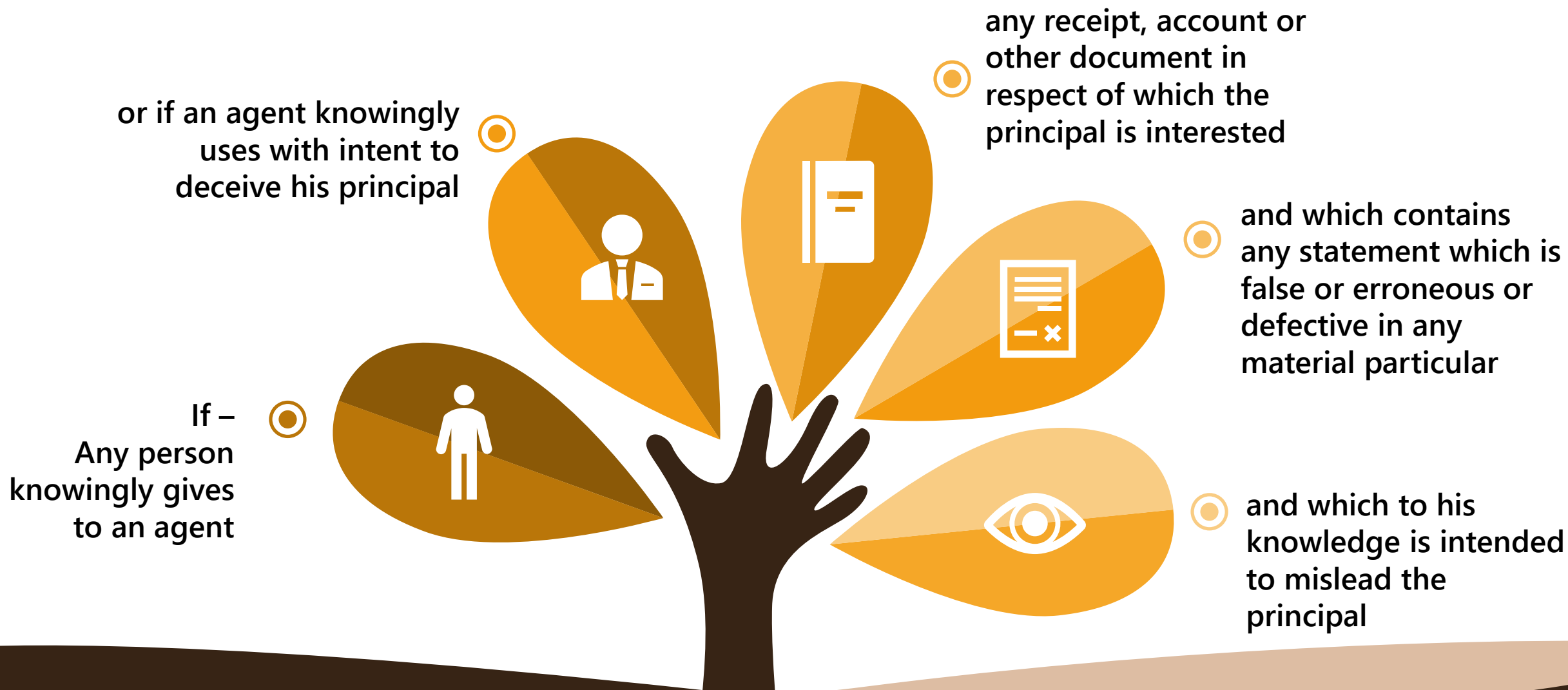
# SECTION 6(a) PCA



# SECTION 6(b) PCA



# SECTION 6(c) PCA





# PUNISHMENT

## Section 6 PCA offences



**A fine of \$30,000 and  
imprisonment for 7 years.**



# POSSESSION OF UNEXPLAINED PROPERTY

## Section 12 PCA



- Any person who, being or having been a public officer
- (a) maintains a standard of living above that which is commensurate with his present or past emoluments; or
- (b) is in control of pecuniary resources or property disproportionate to his present or past emoluments
- unless he gives a satisfactory explanation to the court

**Penalty:  
a fine of \$30,000 &  
imprisonment for 7 years.**

Whoever, being a public officer, in the course of or in relation to his public office or official functions, wilfully —

12A(1)

(a)

**Uses public funds or resources for private purposes or private interest**

Using office petty cash to pay for personal family holiday

12A(1)

(b)

**Fails to act impartially, or gives undue preferential treatment to any person**

Public officers dishonestly or partially causing government contracts to be awarded to companies operated by family members or close friends

12A(1)

(c)

**Misuses information acquired in the course of his duty**

Doctor at a public hospital copying patients' personal particulars with the intention of using them to solicit business for his proposed new private medical practice

12A(1)

(d)

**Conducts himself in a manner as to bring his private interests into conflict with his public duty**

A public officer sitting on a Board for approving tenders. He does not disclose that he is a silent partner of a particular company and he then awards the tender to the company.

12A(1)

(e)

**Interferes in, or seeks to influence, the appointment, promotion, suspension, demotion or dismissal of a public officer or other person**

A public officer knows the Head of Dept of a Ministry where his son works and through his friendship with that HOD influences him to promote his son.

# Section 12B

17

**Whoever, being a public officer wilfully -**



**(a) Misconducts himself, or**

**to such a degree as to amount to an abuse of public trust in the office holder**

Eg. Public office holders who exploit their positions to facilitate sexual relationships



**(b) Neglects to perform his duty**

Eg. A police officer who saw a man being stabbed in front of him but fails to do anything to apprehend or even stop the culprit.



# PENAL CODE OFFENCES

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# SECTION 165 OF THE PENAL CODE

for himself or for any other person

Whoever, being a public servant, accepts or obtains, or agrees to accept or attempts to obtain,

**PENALTY:**  
Imprisonment for a term not exceeding 7 years and fine

any valuable thing, without consideration, or for a consideration which he knows to be inadequate from any person whom he knows —

a) to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate; or

(b) to be interested in or related to the person so concerned



# WHAT IS CRIMINAL BREACH OF TRUST?

## SECTION 405 PENAL CODE:

Whoever, being in any manner entrusted with property, or with any dominion over property —

- (a) dishonestly misappropriates or converts to his own use that property;
- (b) dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust;
- (c) wilfully suffers any other person so to do, commits criminal breach of trust.



# CRIMINAL BREACH OF TRUST BY PUBLIC SERVANT

## SECTION 409 PENAL CODE



**PENALTY:**  
Imprisonment for a term not  
exceeding 20 years and fine

- Whoever, being in any manner entrusted with property, or with any dominion over property,
- in his capacity of a public servant...
- commits criminal breach of trust in respect of that property



# **COURT CASES**





# CORRUPTION

## Customs officer jailed for receiving bribes

July 2, 2020

Fadley Faisal

A Customs Control Officer was jailed three years, penalised BND4,912 or serve an additional five months jail in default of payment, for 27 charges of accepting bribes as inducement to withhold from taking action against a person.

Chief Magistrate Pengiran Masni binti Pengiran Haji Bahar said on handing sentence to Haji Mohammad Haikal bin Haji Suhaili that “aggravating factors in the case included the fact that the defendant instigated these criminal activities and also involved other customs officers to participate in his criminal activities and that the defendant was a public servant, who in any criminal behaviour, erodes public trust and confidence which should be strongly condemned and a deterrent sentence must be imposed to send a clear message to other enforcement agencies that corruption in any form will not be tolerated.”

The defendant had accepted from BND50 to BND500 as inducement or reward in his capacity as a Customs Control Officer from an individual to not take action against him for committing offences under the Customs Order, 2006.

PUBLIC PROSECUTOR

Vs

SUPT. HJ KHAIRUR RIJAL BIN HJ ABU SALIM (D1)

(BYIC: 00-266845)

In the Magistrate Court of Bandar Seri Begawan

Criminal Trial No. 2123 of 2016

Haji Khairur Rijal bin Haji Abu Salim, a former Superintendent of the Royal Brunei Police Force, was sentenced to a total of 30 months imprisonment in the Magistrates Court following his convictions for a charge under section 6(a) of the Prevention of Corruption Act, Chapter 131, and for a charge under section 165 of the Penal Code, Chapter 22.

42-year-old Haji Khairur Rijal was found guilty after trial for corruptly accepting a pick-up vehicle as gratification from the Managing Director of Say Koo (Liew) Sdn Bhd and L&E Contractor, Liew Say Koo, in exchange for assisting Liew's re-entry into Brunei Darussalam after he was expelled and prohibited from re-entering the country in November 2007.

In his sentencing, Magistrate Muhammed Faisal bin PDJLD DSP Hj Kefli considered Haji Khairur Rijal's seniority as an aggravating factor as he used his position to enable Liew to repeatedly enter and exit Brunei Darussalam. Haji Khairur Rijal held the senior posts of Officer-in-Charge of Tutong Police District and Head of the Major Crime and Taskforce II under the Criminal Investigation Department of the Royal Brunei Police Force at the time of the offences.

The Court sentenced him to 30 months imprisonment for the offence under section 6(a) of the Prevention of Corruption Act, Chapter 131, and 12 months imprisonment for the offence under section 165 of the Penal Code, Chapter 22. The Court ordered for these two sentences to run concurrently.

In addition to the imprisonment sentence, the Court also ordered Haji Khairur Rijal to pay a penalty of \$12,000.00 pursuant to section 17 of the Prevention of Corruption Act, Chapter 131. He was ordered to pay the penalty within 3 months or failure to pay he will have to serve an additional imprisonment term of 3 months in default.



# CRIMINAL BREACH OF TRUST

## Judiciary couple convicted of CBT, money laundering charges

January 16, 2020

Fadley Faisal

The judiciary couple was found guilty of criminal breach of trust (CBT) and money laundering yesterday, as Justice Gareth John Lugar-Mawson delivered his judgement in the case against Ramzidah binti Pehin Datu Kesuma Diraja Colonel (Rtd) Haji Abdul Rahman and Haji Nabil Daraina bin Pehin Udana Khatib Dato Paduka Seri Setia Ustaz Haji Awang Badaruddin.

The Court convicted Ramzidah of all 14 charges against her for criminal breach of trust offences of over BND15.75 million, which she had withdrawn from Official Receiver's accounts under her control and management as a Deputy Official Receiver.

## Judiciary couple receives jail time

January 19, 2020

Fadley Faisal

Justice Gareth John Lugar-Mawson handed a 10-year jail term to Ramzidah binti Pehin Datu Kesuma Diraja Colonel (Rtd) Haji Abdul Rahman while Haji Nabil Daraina bin Pehin Udana Khatib Dato Paduka Seri Setia Ustaz Haji Awang Badaruddin received a five-year imprisonment term on sentencing the couple in the High Court yesterday.

Ramzidah, 46, was convicted for criminal breach of trust (CBT) offences, and she and her husband Haji Nabil Daraina, 47, were both also convicted for money laundering offences on Wednesday.

Jonathan Caplan, QC appearing on behalf of the prosecution yesterday highlighted the aggravating factors in the case.

He said that the CBT committed by Ramzidah in her judicial capacity are very serious offences. The offences were committed over a long period of 14 years between 2004 and 2017.

## AROUND THE COURTS

# Half-a-million-dollar embezzler to be sentenced August 24

FADLEY FAISAL

THE Intermediate Court will hand down its sentence to a 37-year-old government servant on August 24, 2017 for misappropriating revenue collections to the tune of almost half a million Brunei dollars while under the employment of the Ministry of Health (MoH).

The defendant, Razimi bin Haji Tajuddin, pleaded guilty to the charge of criminal breach of trust under Section 409 of the Penal Code, Chapter 22 yesterday.

The defendant was employed by the MoH as an Open Vote Labourer at payment counter 15 at the Raja Isteri Pengiran Anak Saleha (RIPAS) Hospital from 2001 until his suspension in 2015.

Counter 15 receives payments for medical services, pharmacy costs, ward charges from foreign patients and first-class charges from Bruneian patients.

The money received represents part of the daily revenue collected by the hospital.

The defendant was one of the three personnel who manned the counter and his job scope included collection of payments from patients and issuance of official receipts to each patient.

At the end of his shift, he was required to hand over the monies he received along with the official cash receipt book among other documents.

In court yesterday, the defendant admitted that he began taking money from the daily revenue collection of counter 15 sometime on June 4, 2014 instead of handing it over to the

Financial Clerk.

He continued to take money from the counter until April 15, 2015 when his actions were discovered by the Audit Department for the financial year 2014-2015.

A police report was lodged on April 29, 2015 and investigations were conducted by the Commercial Crime Investigation Division of the Royal Brunei Police Force (RBPF).

Based on the finalised audit report dated June 30, 2015, it was discovered that revenue amounting to \$458,106.88 from counter 15 were never deposited into the government bank account.

Investigations revealed that the missing amount came from five official receipt books used by the defendant.

The defendant admitted to using the misappropriated money for his personal use including purchasing a car worth \$7,800 for his friend.

The case was referred to the Attorney General's Chambers on June 13, 2017 and DPP Hajah Suriana binti Haji Radin on behalf of the Public Prosecutor brought the charge against the defendant yesterday.

The prosecution submitted to the court that to date the defendant had not repaid any of the monies back to the Brunei Government and that the revenue collected by counter 15 represents a significant amount of revenue collected by the hospital.

Senior Magistrate Haji Nabil Daraina bin Pehin Dato Ustaz Haji Badaruddin ordered the defendant remanded in Jerudong Prison pending the sentencing.

## AROUND THE COURTS

FADLEY FAISAL  
08/09/2017

# Civil servant jailed for embezzlement

A CIVIL servant was sentenced to 12 months' imprisonment by the Intermediate Court yesterday after he pleaded guilty to misappropriation of government funds.

The defendant, Borhan bin Adi, 52, was also ordered to pay a \$2,605.09 in compensation or serve an additional three months' jail.

DPP Atiyyah Abas yesterday told the court that the defendant was employed as a Level 3 mess manager at the officers' mess of the Royal Brunei Armed Forces (RBAF) in Penanjong Garrison, Tutong. His scope of duty included administrative work and collecting money from work and officers, staff sergeants and sergeants.

After collecting the money, the defendant was to hand it over to the Pay Unit Training Institution of the RBAF in Penanjong Garrison. However, the collections from February to July 2014 were not handed over to the unit by the defendant.

It was discovered when an audit was conducted in July 2014 where inconsistencies were found in payment receipts.

Investigations revealed that the defendant pocketed the money and used it for personal purposes.

The court was also informed that the defendant had made restitution only to the tune of \$150.



## AROUND THE COURTS

| FADLEY FAISAL |

### Cop faces charge for criminal breach of trust

THE Intermediate Court yesterday heard the case of a permanent resident who impersonated a police officer, while a Temburong policeman faces a charge of criminal breach of trust.

Mohamad Azwan bin Zawawi, 43, pleaded guilty to impersonating as an Inspector of the Royal Brunei Police Force by informing a local woman that he holds such an office. He sent her five photographs of himself in police uniform, sometime between October 8-10, through WhatsApp. The case will be mentioned again today.

Meanwhile, Lance Corporal 5286 Arman anak Degat was not ready to record his plea yesterday, and his case was adjourned to November 8, 2017.

Tasked as a storekeeper at the Temburong Police District Headquarters, he is accused of committing criminal breach of trust by defrauding his office of a full police uniform and its accessories. DPP Rozaimah binti Haji Abdul Rahman prosecuted the case, which was presided over by Judge Radin Safiee bin Radin Mas Basuni.

## AROUND THE COURT

| FADLEY FAISAL |

### Cop thrown behind bars for accepting \$200

THE Bandar Magistrate's Court yesterday sentenced a police constable to 14 months imprisonment after he pleaded guilty to a single count of accepting a bribe.

PC 5491 Rusdi bin Abdul Rahim was also ordered to pay a \$100 penalty or risk serving additional time of two weeks. An investigation by the Anti-Corruption Bureau showed that the defendant had accepted a \$200 bribe from a Filipino, to refrain from taking action

against him for using a mobile phone while driving.

The statement of facts by DPP Nurjannah binti Haji Kula further revealed that the defendant had approached the Filipino at the compound of Tyre Mart at Serusop in Jalan Muara on July 12, 2013, while in the company of another police colleague, who is now deceased.

Senior Magistrate Lailatul Zubaidah binti Haji Mohd Hussain presided over the case.

### Postal worker jailed for breach of trust

THE Bandar Magistrate's Court yesterday sentenced a postal clerk to three months imprisonment after she pleaded guilty to criminal breach of trust.

Norini @ Noraini binti Abdul Razak was found to have pocketed \$706.15 of proceeds from the sale of postage stamps and \$500 of proceeds from nine Brunei postal orders, between June and October 2013, while being stationed at the Tutong Post Office.

Her acts came to light when

the Internal Audit Department received a minute from the head of the Tutong Post Office on October 9, 2013, regarding the missing proceeds of the Brunei postal orders. The defendant did not repay the amounts, but managed to settle the transactions that she pocketed on May 28 and October 15, 2013.

Senior Magistrate Lailatul Zubaidah binti Haji Mohd Hussain presided over the case, while the Public Prosecutor was represented by DPP Siti Aisyah binti Haji Lakim.