



ATTORNEY GENERAL'S CHAMBERS
BRUNEI DARUSSALAM



From Behind the Desk to Behind *Bars*

[Part 1]

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Criminal Justice Division



Agenda



Who are Civil Servants?



Against Corruption and Bribery



Protecting Official Secrets



Insight to Penal Code Offences



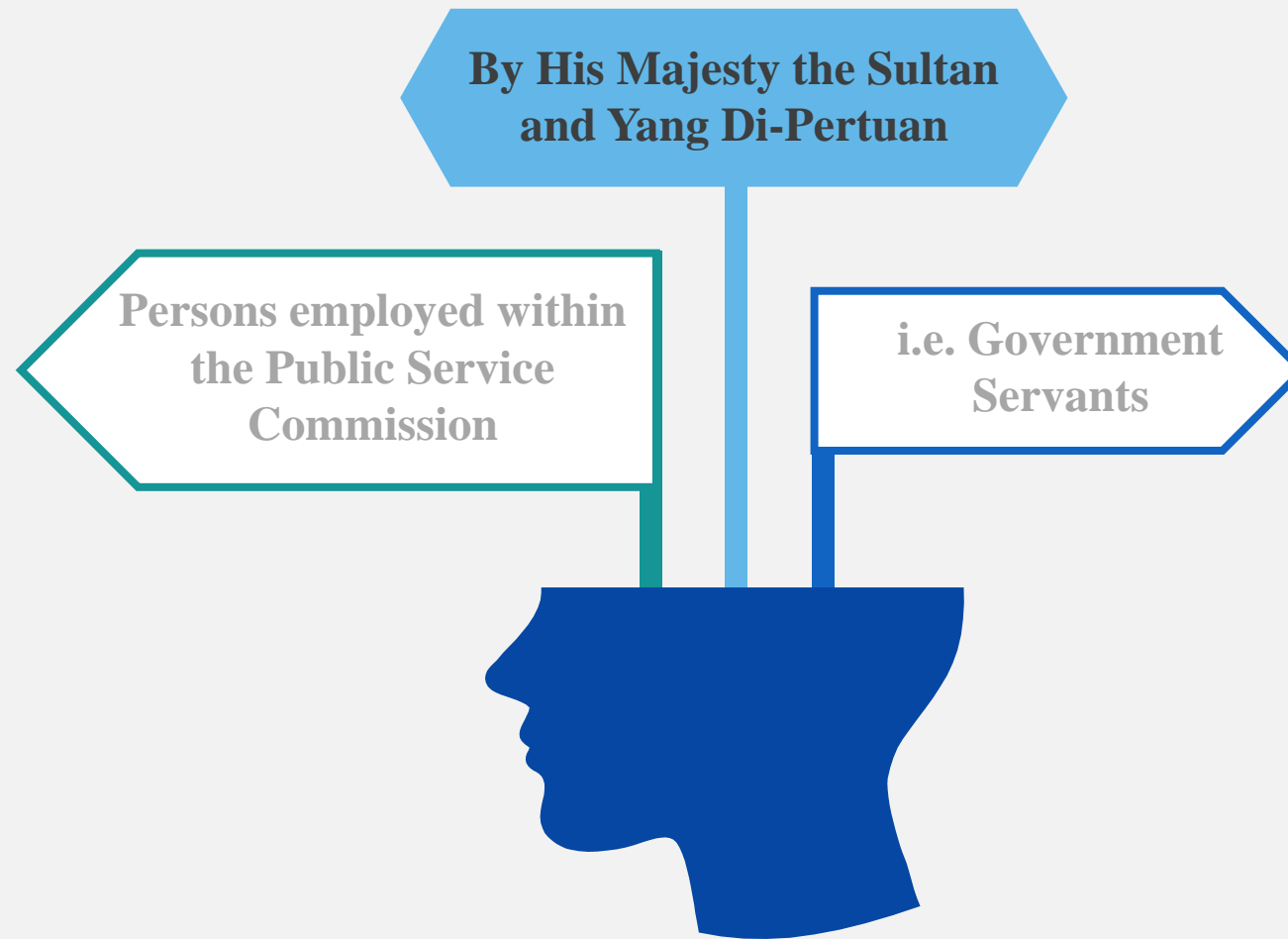
Promoting a Crime-Free Civil Service



Who are Civil Servants?



Who are Civil Servants?





Who are Civil Servants?

Section 8 of the Public Service Commission Act (Chapter 83)



Member

Officer

Servant

of the Commission shall be deemed to be a public servant within the meaning of the Penal Code



Against Corruption and Bribery



Prevention of Corruption Act

(Chapter 131)



Corruption



Possession of unexplained wealth



Using public funds for private purposes, giving undue preferential treatment, misusing information etc



Public officer wilful misconduct or neglect of duty



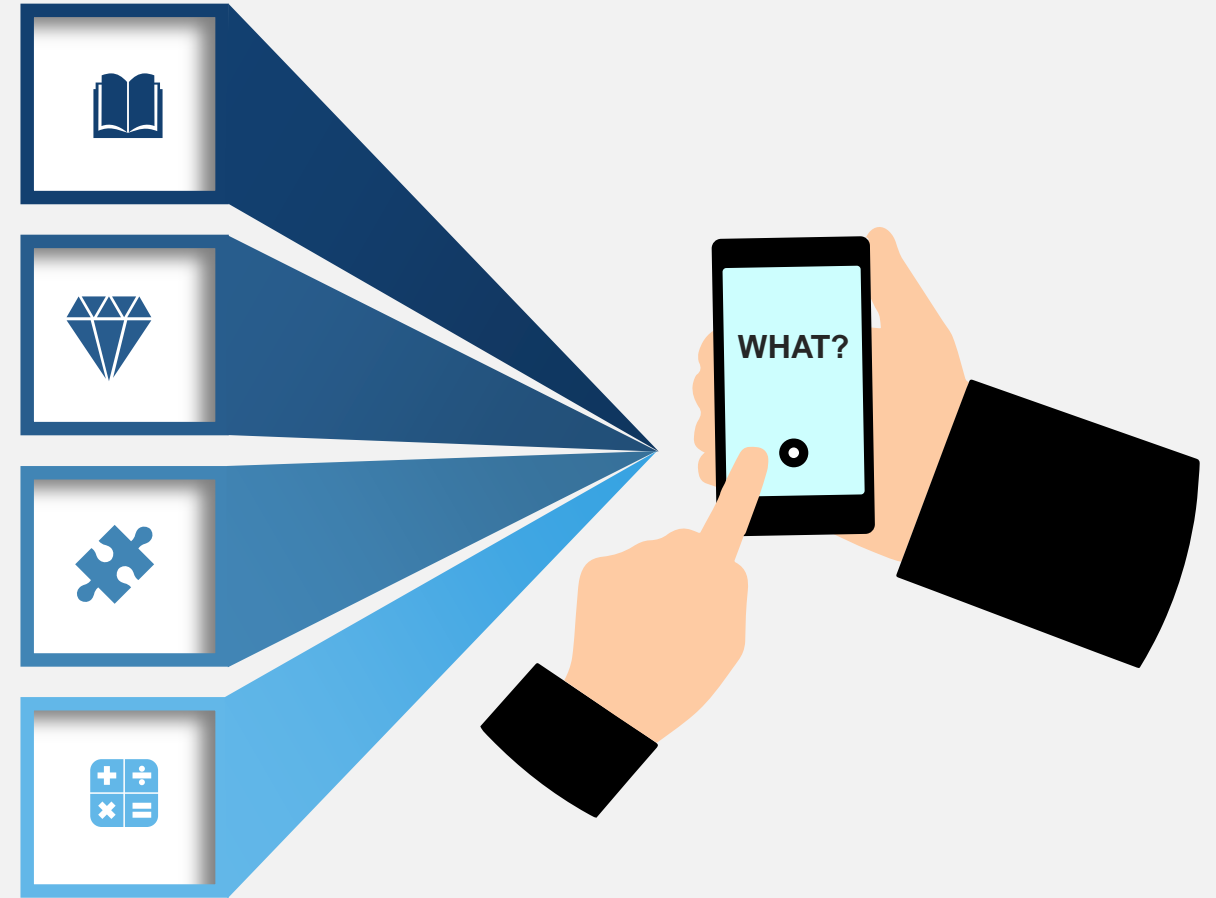
Section 6(a) PCA

If - any agent corruptly **accepts** or **obtains**, or **agrees to accept** or **attempts to 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, any act in relation to his principal's affairs or business

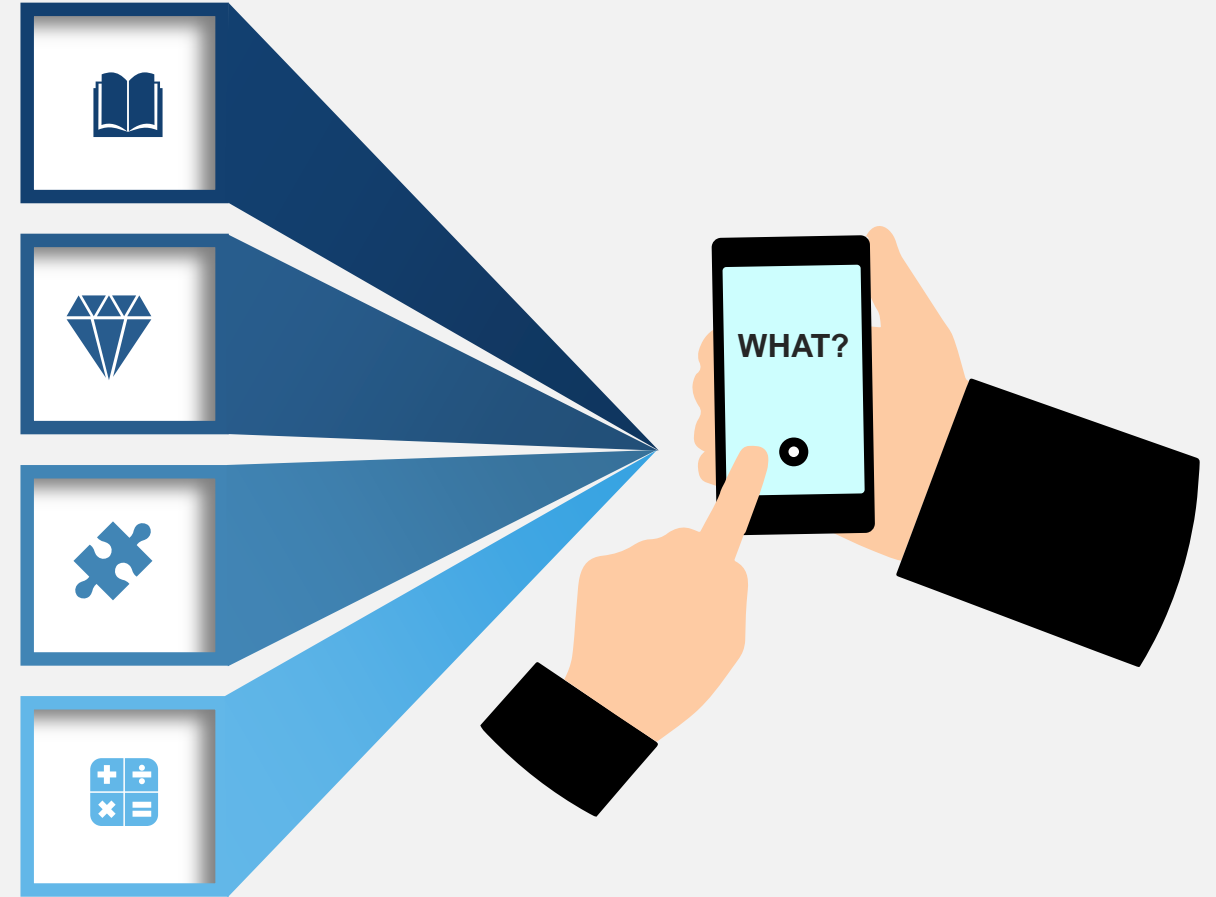
or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business





Section 6(b) PCA

If – any person corruptly gives or agrees to give or offers



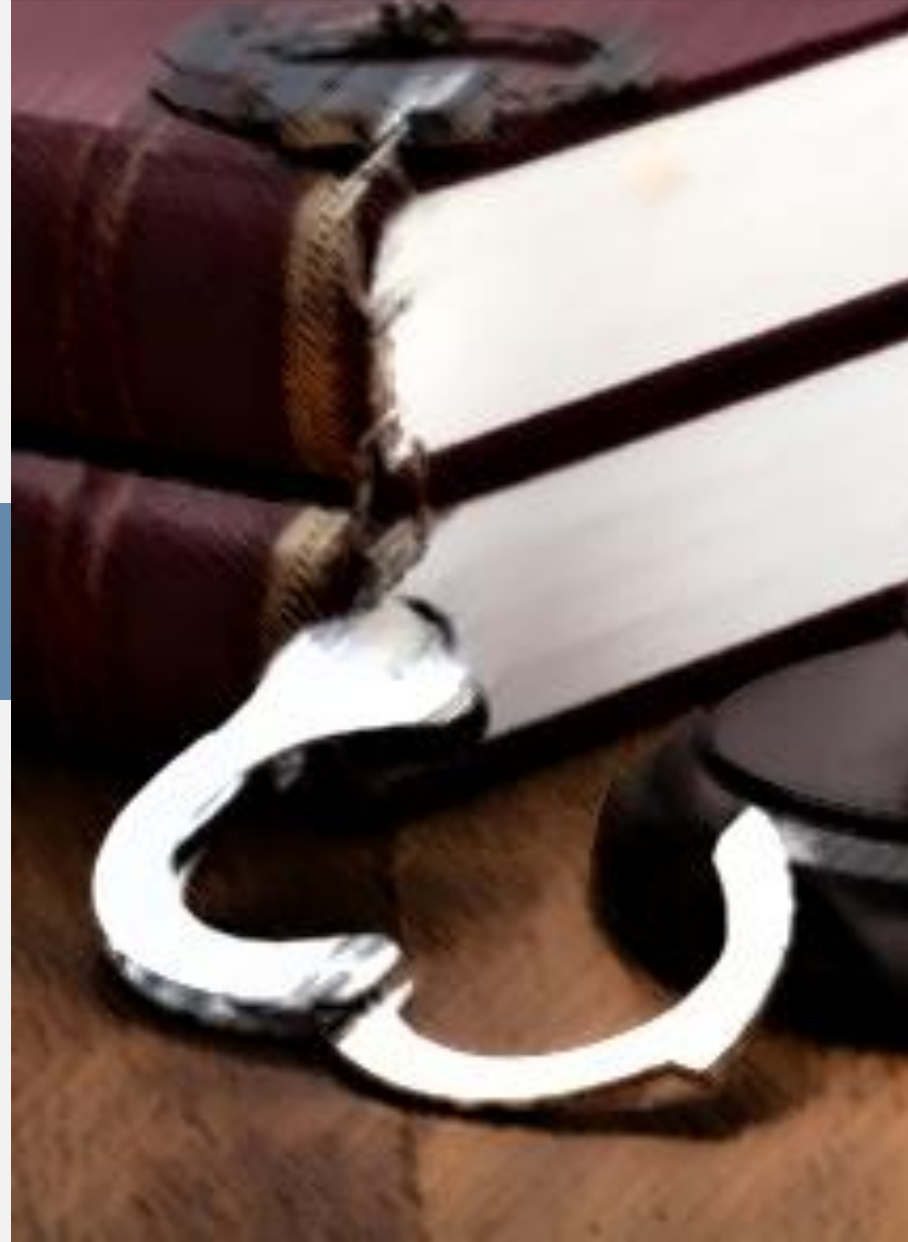
any gratification to any agent as an inducement or reward

for doing or forbearing to do, or for having done or forborne to do, any act in relation to his principal's affairs or business

or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business



Penalty for section 6 PCA Offences



IMPRISONMENT

7 years

FINE

\$30,000



Senior police officer gets 30-month jail term for graft

February 15, 2019

| Fadley Faisal |

A SENIOR police officer was given a prison sentence yesterday by the Magistrate's Court which recently convicted him on charges of graft.

Superintendent of the Royal Brunei Police Force ██████████ was sentenced to serve 30 months' imprisonment by the Magistrate's 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, was found guilty after trial for corruptly accepting a pick-up vehicle as gratification from the ██████████

Corrupt officer's sentence upheld for deterrence

January 27, 2021

Fadley Faisal

A corrupt customs officer's appeal against his jail sentence was dismissed by the Chief Justice yesterday in the name of public interest.

██████████ pleaded guilty on June 13, 2020 to 27 charges of receiving bribes and was sentenced to three years' jail, a fine of BND4,912, or serve an additional five months' jail in default of payment.

He then appealed to reduce the "excessive" sentence.

"Perversely, the applicant abused his power as a customs officer to enable the smuggling of alcohol and cigarettes into Brunei Darussalam in return for bribes," Chief Justice Dato Seri Paduka Steven Chong stated.



Court Cases



Possession of unexplained property

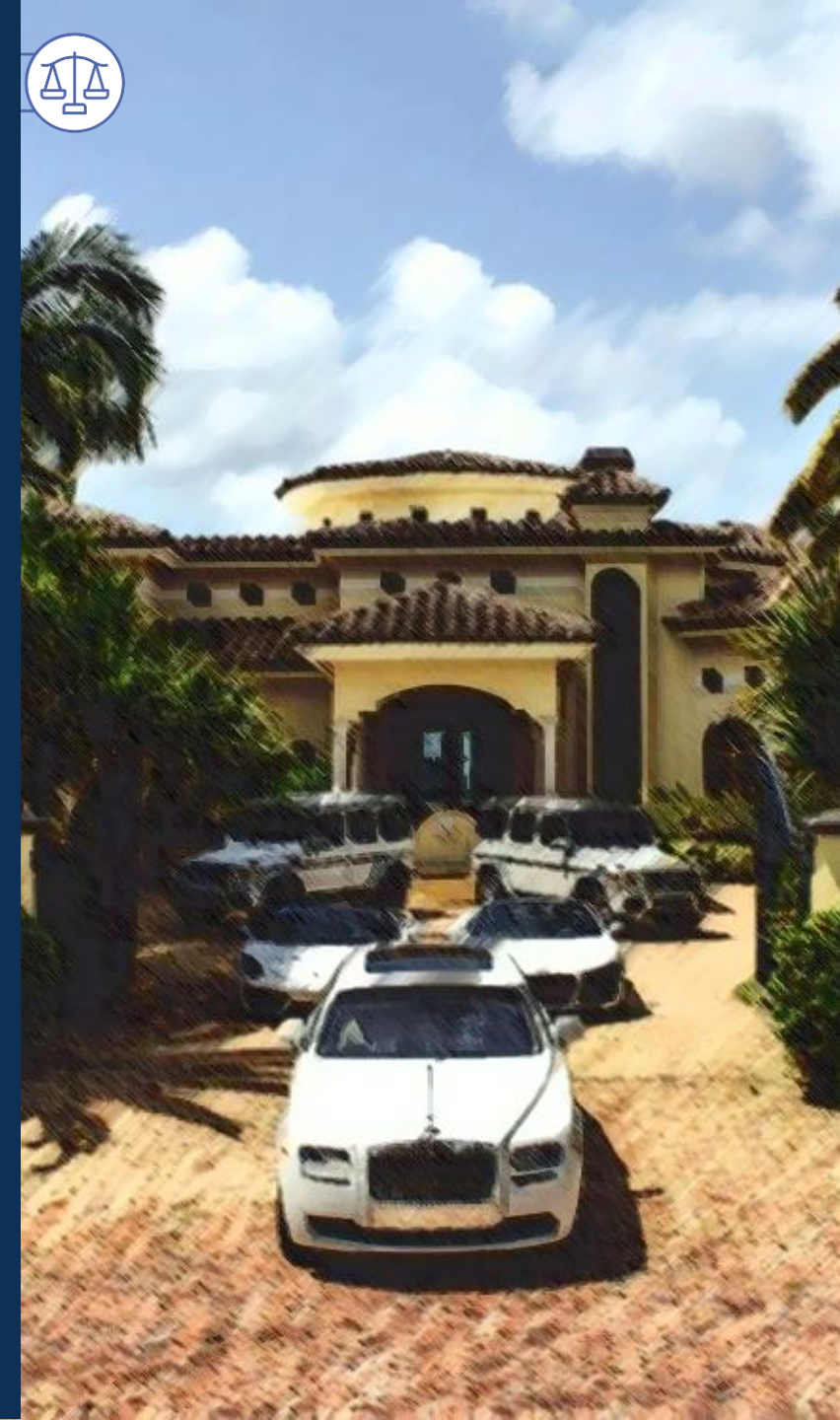
Section 12 PCA

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





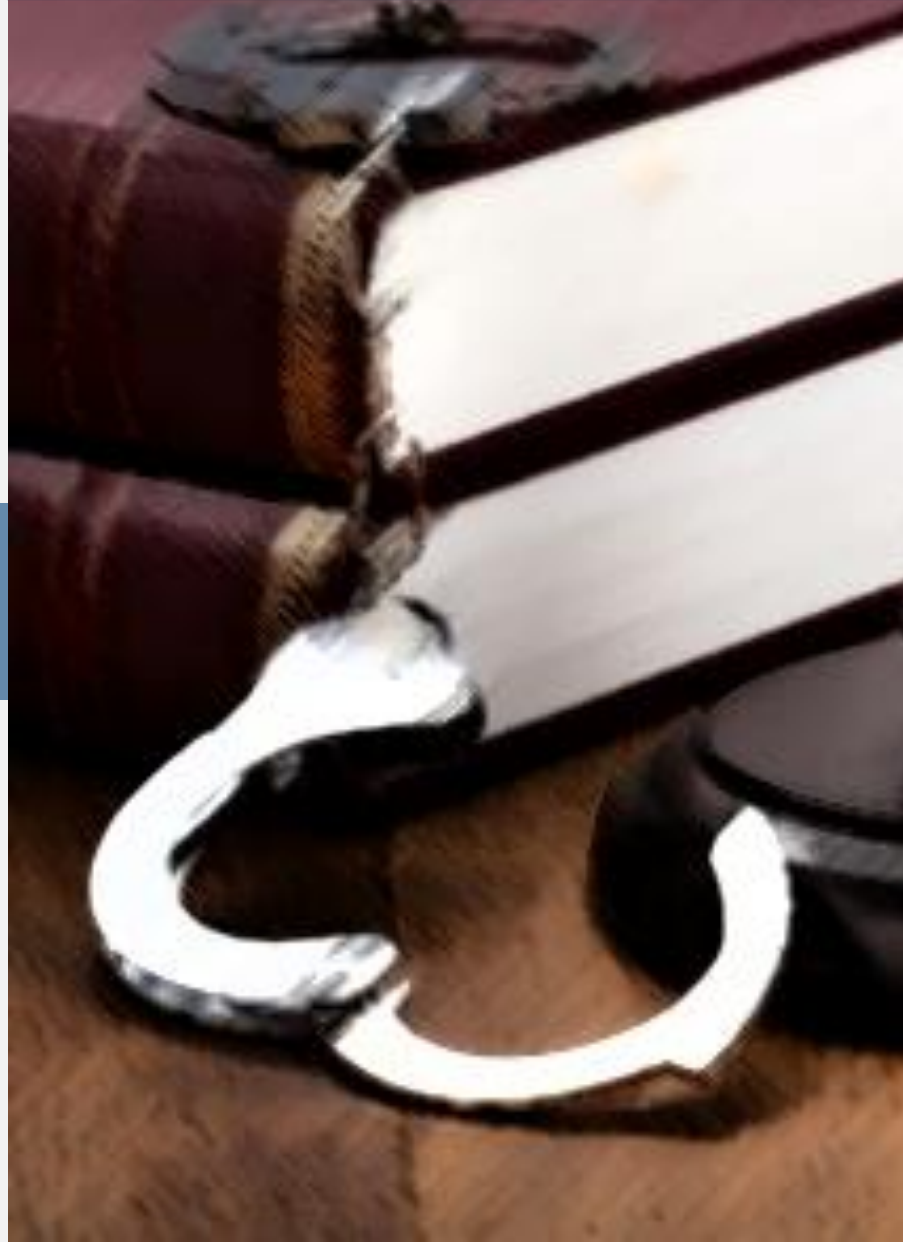
Penalty for section 12 PCA Offences

IMPRISONMENT

7 years

FINE

\$30,000





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



Uses public funds or resources for private purposes or private interest

Using office petty cash to pay for personal family holiday

12A(1)(a) PCA



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

Dishonestly causing government contracts to be awarded to companies operated by family members or close friends

12A(1)(b) PCA



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)(c) PCA



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)(d) PCA



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

A public officer, through his friendship with his son's Head of Dept in a Ministry, influences that HOD to promote his son.

12A(1)(e) PCA



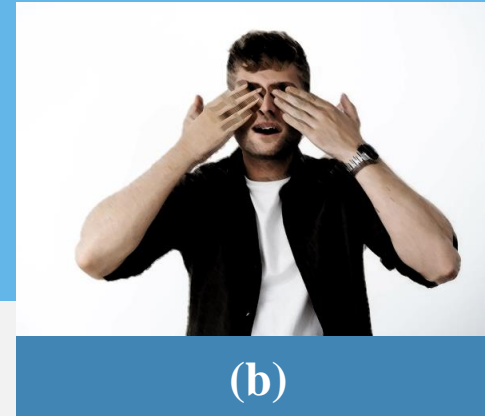
Section 12B PCA



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

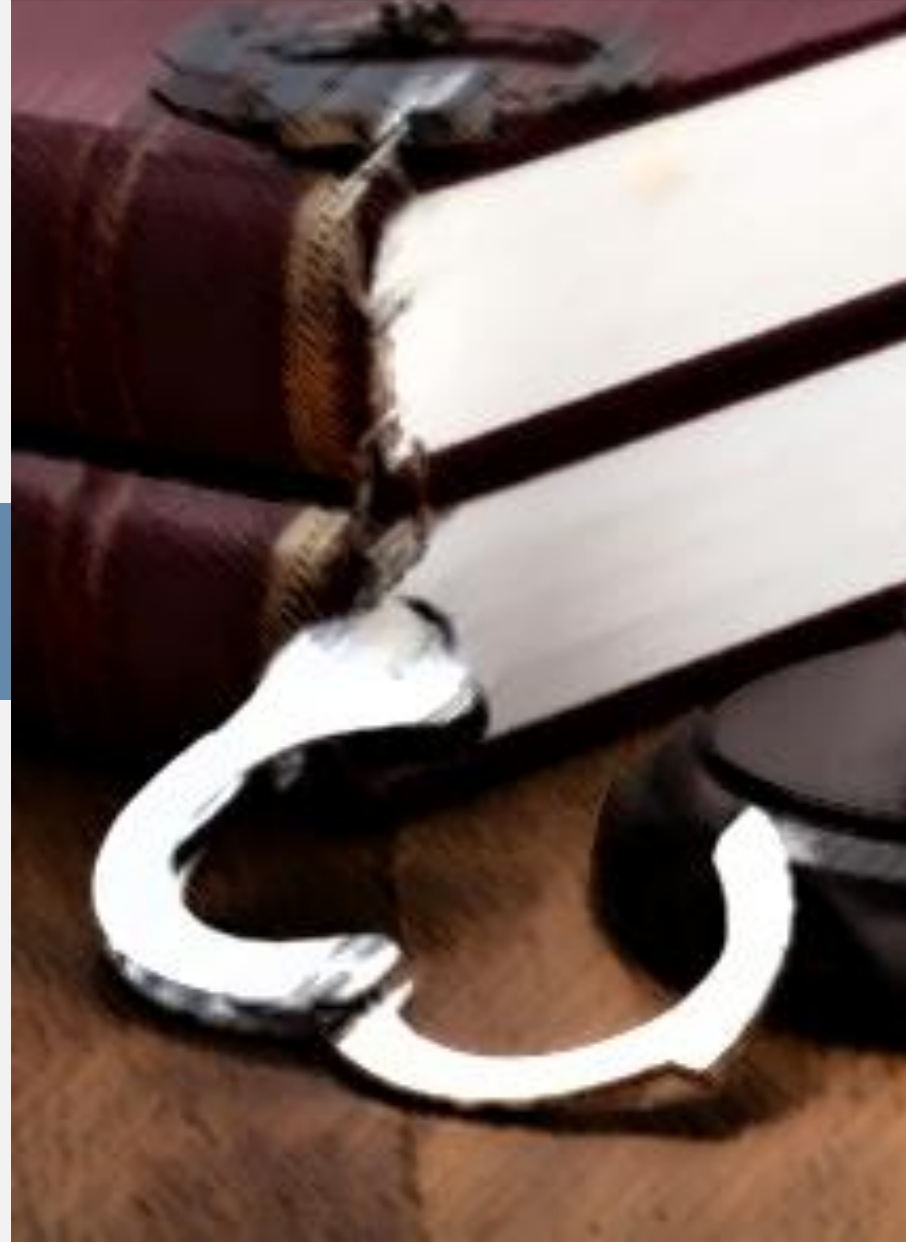


Neglects to perform his duty

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



Penalty for sections 12A and 12B PCA



IMPRISONMENT

7 years

FINE

\$30,000



Protecting Official Secrets



**Unauthorised Use of Uniforms,
Falsification of Reports, Forgery,
Personation & False Documents**

Official Secrets Act

(Chapter 153)



**Wrongful Communication etc. of
Information**



Wrongful Communication etc. of Information

Section 5 Official Secrets Act

If any person having in his possession or control any secret official code word, countersign or pass word, or any photograph, drawing, plan, model, article, note, document, information or information which —





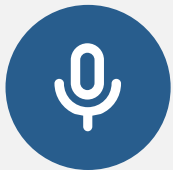
...does any of the following



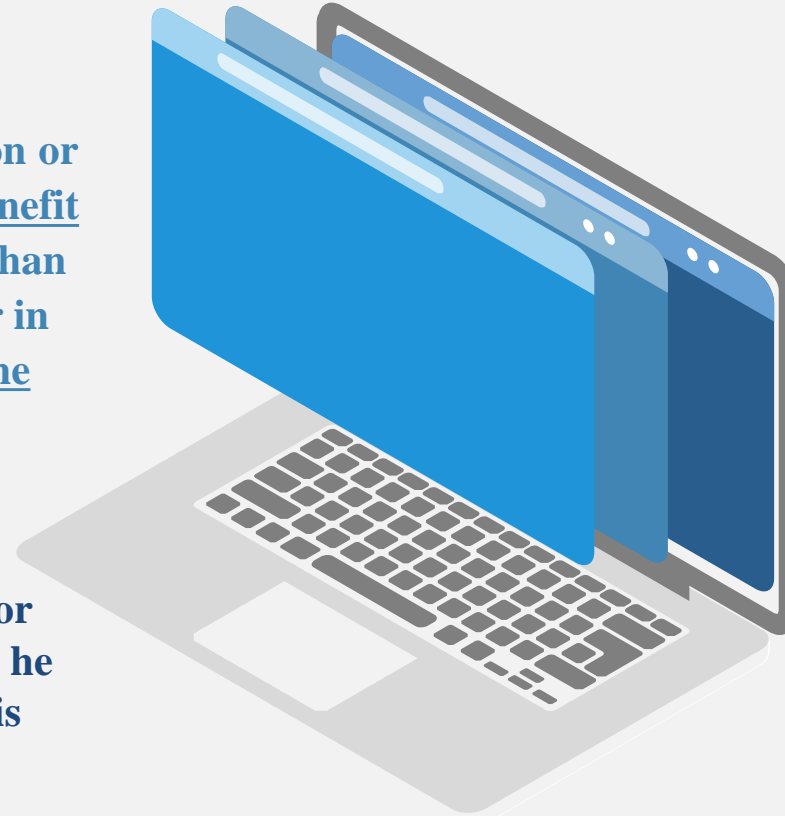
(i) communicates directly or indirectly any such information to whom he is unauthorized to communicate; or



(ii) uses any such information or thing as aforesaid for the benefit of any foreign power other than those authorised to use it, or in any manner prejudicial to the safety or interests of Brunei Darussalam; or



(iii) retains in his possession or control any such thing which he has no right or contrary to his duty to retain; or



(iv) fails to comply with all lawful directions issued by lawful authority with regard to the return or disposal thereof; or



(v) receives any such information or thing as aforesaid, knowing or having reasonable ground to believe at the time when he received it that the information or thing is communicated to him in contravention of this Act, unless he proves that the reception by him of the said information or thing was not directly or indirectly solicited by him:



Unauthorised Use of Uniforms, Falsification of Reports, Forgery, Personation & False Documents

Section 6(1) Official Secrets Act

If any person gains or assists any other person to gain admission to a prohibited place otherwise than by an authorized point of entry or for the purpose of gaining admission, or of assisting any other person to gain admission, to a prohibited place, or for any other purpose prejudicial to the safety or interests of Brunei Darussalam

(a) uses or wears, without lawful authority, any naval, military, air-force, police, or other official uniform, or nearly resembling as to be calculated to deceive, or falsely represents himself as a person who is or has been entitled to use or wear any such uniform; or

(b) makes use of any disguise or false name, or knowingly conceals his identity or nationality; or

(c) orally, or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission; or



(d) forges, alters, or tampers with any passport or any naval, military, air-force, police or official pass, permit, certificate, licence or other document of a similar character, or uses or has in his possession any such document; or

(e) personates / falsely represents himself to be, holding or in the employment of a person holding office under the State, or personates / falsely represents himself to be or not to be, a person to whom an official document or secret official code word, countersign or password has been given; or

(f) uses, or has in his possession / control, without authority, any die, key, badge, device, seal or stamp of or belonging to, or used, made or provided by any Government Department, or by any diplomatic, naval, military or air-force authority appointed by or acting under the authority of His Majesty's Government, or any key, badge, device, die, seal or stamp so nearly resembling as to be calculated to deceive, or counterfeits any such articles, or uses, or has in his possession, or under his control, any such counterfeited articles;



Authorised Use of Uniforms, Falsification of Reports, Forgery, Personation & False Documents

Section 6(2) Official Secrets Act



(a) retains for any purpose prejudicial to the safety or interests of Brunei Darussalam any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with any directions issued by any Government Department or person authorized with regard to the return or disposal thereof; or



(b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code word, countersign or pass word so issued or, without lawful authority or excuse, has in his possession any official document or secret official code word, countersign or pass word issued for the use of another person, or on obtaining possession of any official document by finding or otherwise, neglects or fails to restore it to the person or authority by whom or for whose use it was issued, or to the Commissioner of Police; or



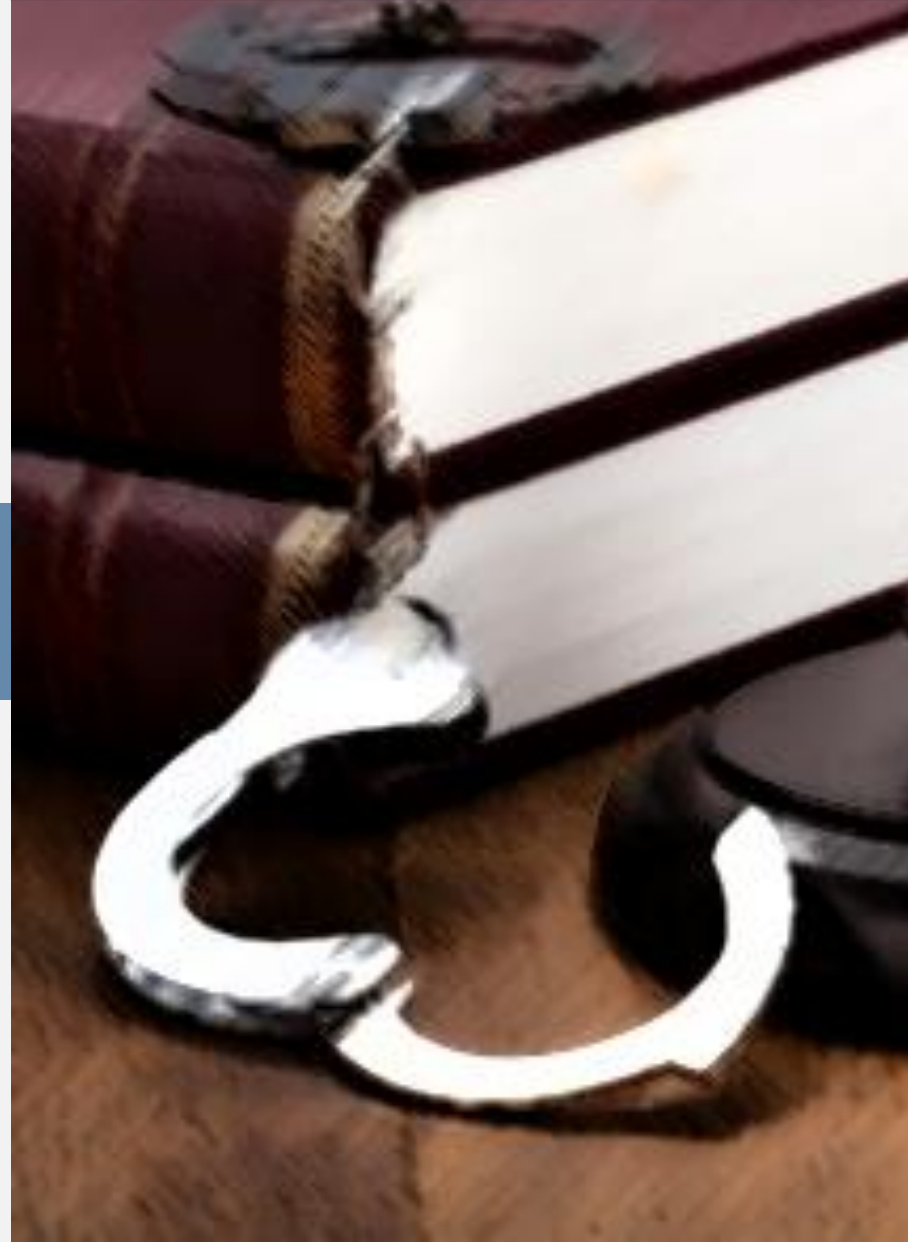
(c) without lawful authority or excuse, manufactures or sells, or has in his possession for sale any such key, badge, device, die, seal or stamp as aforesaid; or



(d) with intent to obtain an official document, secret official code word, countersign or pass word, whether for himself or for any other person, knowingly makes any false statement;



Penalty for section 5 and 6 OSA



IMPRISONMENT

2 years

FINE

\$10,000



Insight to Penal Code Offences



Penal Code

(Chapter 22)



Obtaining valuables without consideration



Criminal breach of trust



Forgery

Falsification of accounts



Cheating



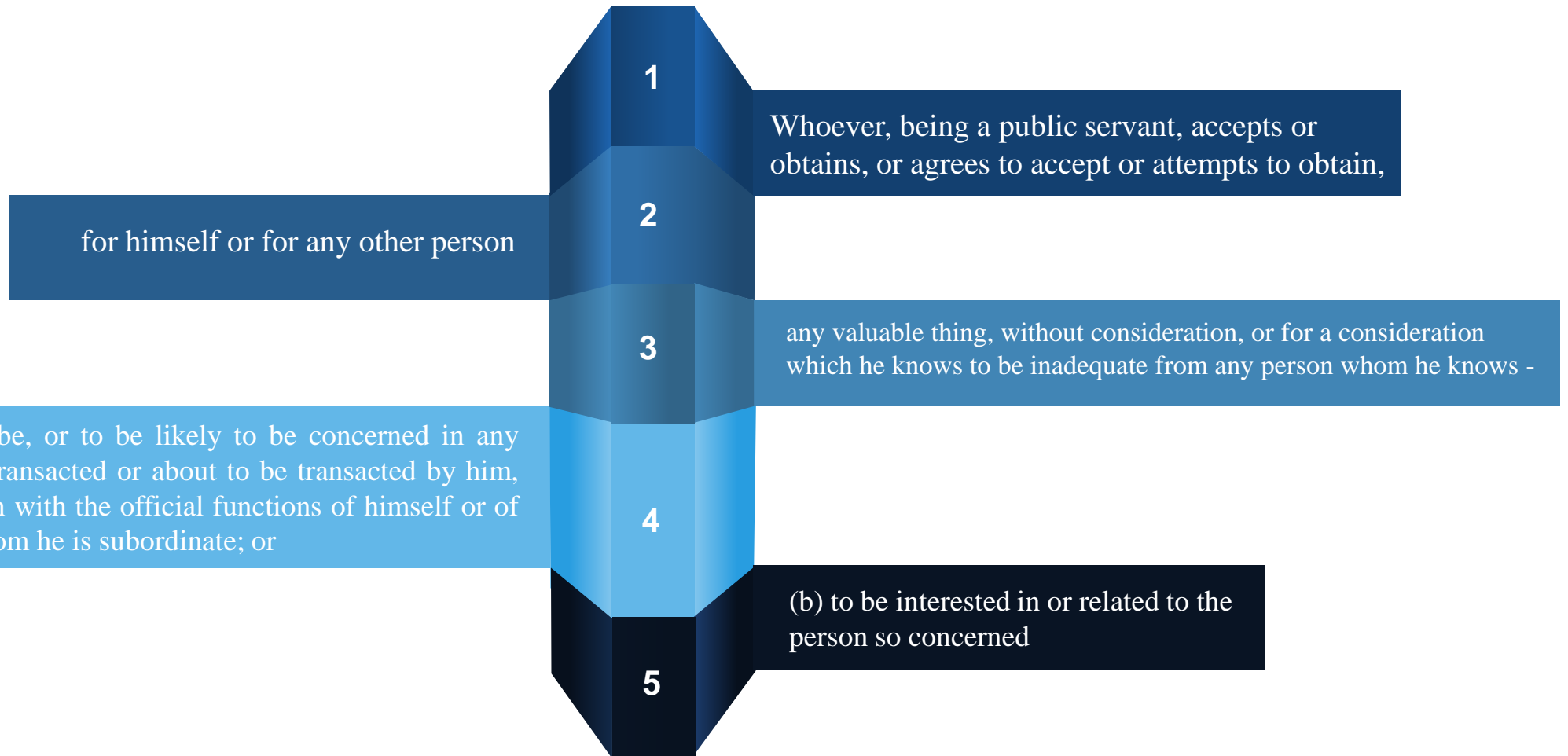
Harassment





Obtaining valuables without consideration

Section 165 Penal Code





Penalty for section 165 Penal Code

IMPRISONMENT

7 years

FINE





Criminal Breach of Trust

Section 406 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.

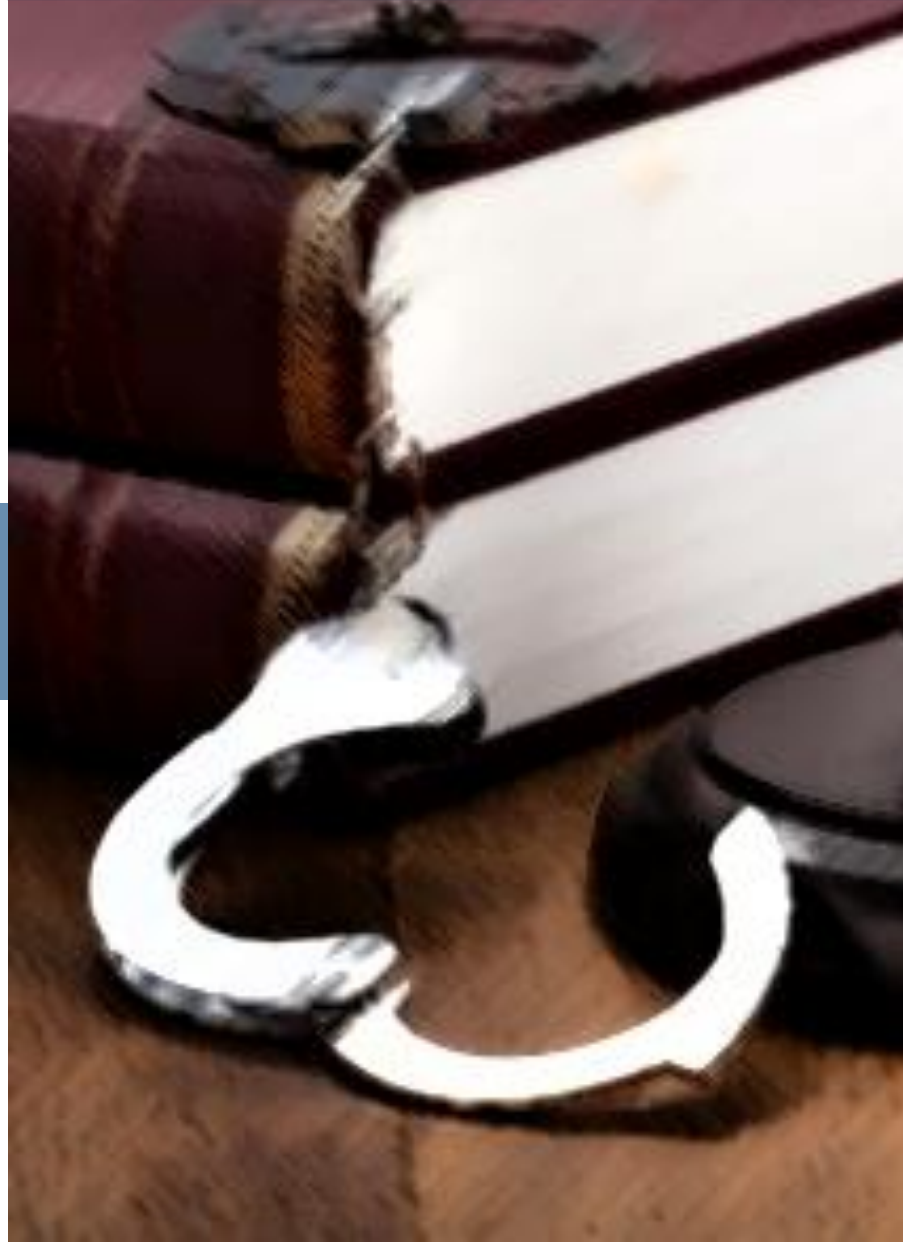


Penalty for section 406 Penal Code

IMPRISONMENT

10 years

FINE

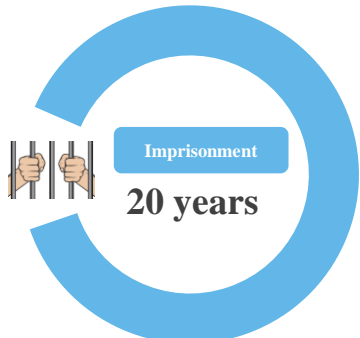




Criminal breach of trust by public servant

Section 409 Penal Code

Penalty:



and



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





Judiciary couple receives jail time

January 19, 2020

Fadley Faisal

Justice Gareth John Lugar-Mawson handed a 10-year jail term to [REDACTED] while [REDACTED] received a five-year imprisonment term on sentencing the couple in the High Court yesterday.

[REDACTED], 46, was convicted for criminal breach of trust (CBT) offences, and she and her husband [REDACTED], 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.

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 [REDACTED] [REDACTED]

The Court convicted [REDACTED] 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.

This case marks the largest amount of money embezzled by a public servant in Brunei Darussalam.

Courts

Former judiciary couple's sentences increased

Borneo Bulletin

3,651 likes
borneobulletin [News Update]

The Court of Appeal today dismissed former judiciary couple [REDACTED] appeal to reduce their sentences for criminal breach of trust (CBT) and Money Laundering, while [REDACTED]'s application challenging his convictions on Money Laundering charges have also been rejected.

The Public Prosecutor's appeal has been allowed and a revision had been made to the sentences.

[REDACTED]'s sentence has been revised to 15 years' jail while [REDACTED] is to serve 7 years and 6 months' jail.

More details to follow.

#national #brunei #bruneinews #borneobulletin
View all 96 comments



Court Cases



Government clerk jailed for misappropriation

March 2, 2021

Fadley Faisal

A Vehicles Department administrative clerk was sentenced to eight months' jail by the Intermediate Court yesterday after he changed his plea from contesting the Criminal Breach of Trust charge to guilty.

██████████ 49, who allegedly committed the offence was attached to the Land Transport Department Training and Driving Test Circuit Complex in Sungai Akar between February 11 and March 14, 2019, involving BND565 paid to him by the public for driving licence renewals.

Public servant jailed for criminal breach of trust

August 23, 2019

Fadley Faisal

A public servant was sentenced to eight months' imprisonment on August 17, for committing criminal breach of trust.

Deputy Public Prosecutor Dayangku Didi-Nuraza binti Pengiran Haji Abdul Latiff's facts of the case stated that ██████████ 44, committed the offences between November 2016 and April 2017, while in government service as a civilian administrative clerk posted at the Police Royal Guard of the Royal Brunei Police Force (RBPF).

Her duties then included receiving money from RBPF officers and personnel, to be put into the RBPF Welfare and Sports Fund.

However, instead of submitting the collected funds, the defendant pocketed BND17,775 which she spent on personal expenses. She also lent BND1,300 to an RBPF official.



Court Cases



Driver jailed for misappropriating yellow fleet card

February 15, 2019

| Fadley Faisal |

THE Intermediate Court handed a 12-month jail sentence to a government servant on a charge of criminal breach of trust.

██████████ 46, who works as a driver at the Public Works Department (JKR) in Kuala Belait had misappropriated a yellow fleet card issued by Bank Islam Brunei Darussalam (BIBD) to JKR, for the purchase of fuel worth BND4,774.36 at selected filling stations between July 22 and October 20, 2013.

Judge Pengiran Masni binti Pengiran Haji Bahar said that a civil servant's commission of

Former policewoman jailed for misappropriating funds

July 31, 2019

| Fadley Faisal |

A FORMER policewoman was sentenced to two years jail for criminal breach of trust Intermediate Court yesterday, after pleading guilty to the offence.

DPP Amirah binti Haji Ali's facts of the case stated that ██████████, 34, of the Royal Brunei Police Force (RBPF) committed a crime while working as a clerk under the Payroll Unit of the RBPF Headquarters in Ga

Her duties then included making salary deductions for police personnel who had loaned money from Syarikat Ahli-Ahli Polis Diraja Brunei (SEPADU).

However, instead of going through the proper procedures of deducting the loaned amounts from the officers' payrolls and setting up the sums to be paid to SEPADU, the defendant arranged for the officers to hand over the loan payments to her directly.

Public servant jailed for CBT

September 30, 2021

Fadley Faisal

A government servant was sentenced to three years and four months' jail by the Intermediate Court yesterday after he pleaded guilty to the charge of Criminal Breach of Trust (CBT).

██████████ 47, pleaded for a lenient sentence, being a first offender and having pleaded guilty at the first instance.

DPP Dayangku Didi-Nuraza Pengiran Latiff highlighted the significant amount of money misappropriated over a period of just over two months in urging the court to hand down a deterrent sentence.

Judge Muhammed Faisal PDJLDR DSP Haji Kefli took into consideration the mitigating and aggravating factors of the case.

The court found the case to be more aggravated and viewed its seriousness on deciding the punishment.

The prosecution revealed in court that the defendant was an office assistant at Pengiran Muda Mahkota Pengiran Muda Haji Al-Muhtadee Billah Hospital in Tutong when he misappropriated BND36,530.82 in cash payments, received from patients and the Hospital revenue between January 23 and March 9, 2019.

An internal audit by the Revenue Unit under the Finance Division of the Ministry of Health on the Hospital's revenue that unearthed the defendant's acts.

Based on the cash book, receipts and collector's statements, the audit found that the total sum had not been deposited into the hospital's bank account which was relayed to the Acting Chief Executive Officer of the hospital who instructed the matter to be looked into internally.

Internal enquiries confirmed the findings, where the revenues were received by the defendant from a Grade III clerk, for the payments of X-ray services, registration, pharmaceutical payments, consultation payments, ward payments for foreign patients.



Court Cases



Q&A