

BRUNEI DARUSSALAM'S PERSPECTIVE: THE LATEST REGIONAL TRENDS IN CORRUPTION & EFFECTIVE COUNTERMEASURES

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I. INTRODUCTION

Corruption, broadly defined, is the single greatest obstacle to economic and social development around the world. The devastating effects of corruption can evidently be seen from the stifled economic growth and stagnant social conditions suffered primarily by the low-income earners within the masses. The huge financial disparity within the different levels of society resulting from corrupt practices by those in power or in positions of trust is an ever-increasing problem faced by nations worldwide. Corruption distorts markets, stunts economic growth, debases democracy and undermines the rule of law. Corruption is not a problem exclusive to the public sector. It also affects the activities in the private sector, either in transactions involving private sector actors only or in public-private sector engagements.

A. Brunei Darussalam's Stance on Corruption

Under the leadership of His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah Ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, the Sultan and Yang Di-Pertuan of Brunei Darussalam, Brunei Darussalam is a nation that places great emphasis on the need to continuously fight corruption. Combatting the evils associated with corruption is one of the utmost priorities of the Government of Brunei Darussalam in its efforts to promote progress in all areas, such as good governance, economic growth and social development.

His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah Ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, the Sultan and Yang Di-Pertuan of Brunei Darussalam has often highlighted the grave impact of corruption on the overall development of the Government, the private sector and the society at large.

In a Titah in conjunction with Brunei Darussalam's 33rd National Day Celebration, 2017, His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah Ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, the Sultan and Yang Di-Pertuan of Brunei Darussalam addressed the nation as follows –

Although we have the infrastructure, technology, equipment, mechanism and a good system, if our intention is not good, the outcome will also be not good. For instance, if there is corruption in the government, it will drag the nation towards a bad state, even though the workforce is highly skillful or comprised of scholars. We should

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control this to prevent the nation from experiencing undesirable developments. We have been seeing or hearing about many untoward incidents taking place everywhere such as breach of trust, corruption and so on. Places affected by these ills face various sorts of difficulties. In this context, Brunei should be vigilant and learn lessons from it.

B. Anti-Corruption Laws

Committed to eradicate corruption from all walks of life, Brunei Darussalam enacted the Emergency (Prevention of Corruption) Order, 1981. This Order then soon became known as the Prevention of Corruption Act (“PCA”), Chapter 131.

To this very day, this legal framework has significantly contributed towards the nation’s fight against corruption. Cases involving alleged corrupt activities have been investigated and prosecuted under the various offences prescribed in the said PCA.

LEGAL PROVISION	OFFENCE	PENALTY
Section 5	Corruption	Fine of \$30,000 and imprisonment for 7 years
Section 6	Corrupt transaction with agents (a) Corruptly accepts/obtains or agrees to accept or attempts to obtain (b) Corruptly gives or agrees to give or offers	Fine of \$30,000 and imprisonment for 7 years
Section 7	Corrupt transaction under Section 5 or 6 relates to a contract or proposal for a contract with any public body	Fine of \$30,000 and imprisonment for 10 years
Section 9	Corruptly procuring withdrawal of tenders	Fine of \$30,000 and imprisonment for 7 years
Section 10	Bribery of member of legislature	Fine of \$30,000 and imprisonment for 7 years
Section 11	Bribery of member of public body	Fine of \$30,000 and imprisonment for 7 years
Section 12	Possession of unexplained property	Fine of \$30,000 and imprisonment for 7 years

An Amended Order to the PCA came into force on 22 September 2015, to which these additional provisions were inserted:

LEGAL PROVISION	OFFENCE	PENALTY
Section 12 A	Public officer’s use of public funds for private purposes, giving undue preferential treatment and misusing information	Fine of \$30,000 and imprisonment for 7 years
Section 12B	Public officer’s wilful misconduct or neglect of duty to such a degree as to amount to an abuse of public trust in the officer holder	Fine of \$30,000 and imprisonment for 7 years

C. The Anti-Corruption Bureau

The Anti-Corruption Bureau (“ACB”) is a specialized, independent body established on 1st February 1982 entrusted with the main function to investigate into complaints against corruption. Under the PCA, the ACB is also conferred with powers to investigate other offences under the Penal Code, Chapter 22 and other written laws which had been disclosed during the course of investigations into corruption matters. In executing its function, the ACB has employed 3 core strategies to combat corruption namely investigation, prevention and education.

Under the provision of Section 3 of the PCA, His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam shall appoint a Director who will be responsible for the direction and administration of the ACB. The provision also stipulates that the Director of ACB is not subject to any other person apart from His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam.

Since its creation, the ACB has investigated a large number of cases involving a range of offences varying from petty to grand corruption, as well as other Penal Code offences, such as forgery, criminal breach of trust, money-laundering as well as investigations involving foreign jurisdictions. The ACB is also actively engaged in promoting awareness programmes so as to educate the mass society of the dangers of corruption and to instil core values of integrity, responsibility, accountability and trustworthiness.

The ACB’s close cooperation with foreign enforcement agencies has significantly contributed in the effective investigation of corruption and corruption related offences.

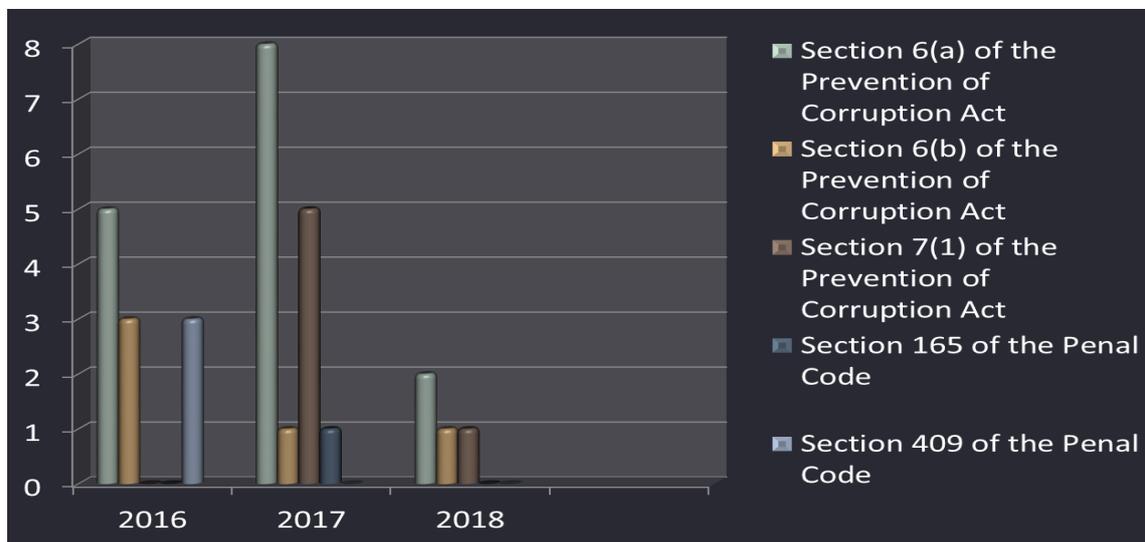
II. LATEST TRENDS IN CORRUPTION: BRUNEI DARUSSALAM'S PERSPECTIVE

A. Statistics of Cases Investigated by the ACB Concluded before the Courts of Brunei Darussalam between January 2016 and October 2018

As with other jurisdictions, the investigation and prosecution of corruption cases in Brunei Darussalam sometimes take a significant period of time to complete, due to the nature and complexity of corruption offences. Long protracted trials are also sometimes due to the unavailability of the Court, the Prosecution and the Defence to have the matters heard all at once.

Often the entire corrupt operations are undertaken under the cover of darkness and in a manner which reveals a systematic pattern of sinister premeditation – thus making such operations difficult to detect.

Below are the statistics of cases investigated by the ACB which have been concluded before the Courts of Brunei Darussalam within the period from January 2016 to October 2018:



Key:

- Section 6(a) of the PCA – corruptly accepts or obtains or agrees to accept or attempts to obtain gratification as an inducement or reward.
- Section 6(b) of the PCA – corruptly gives or agrees to give or offers any gratification as an inducement or reward.
- Section 7(1) of the PCA - Corrupt transaction under Section 5 or 6 relates to a contract or proposal for a contract with any public body.
- Section 165 of the Penal Code – Public servant obtaining a valuable thing, without consideration, from person concerned in proceeding or business transacted by such public servant.
- Section 409 of the Penal Code – Criminal breach of trust by public servant.

B. Recent Corruption Cases in Brunei Darussalam

1. A Royal Brunei Customs & Excise Officer: Mohd Sanip Bin Ura v Public Prosecutor (Criminal Appeal No. 7 of 2016)

Mohd Sanip bin Ura (“Sanip Ura”) was a Royal Brunei Customs and Excise Officer whose duty included border control to prevent prohibited and restricted goods to be imported or

exported. At the time of the offence, Sanip Ura was posted at the Brunei–Malaysia Control post near the border of Miri, Malaysia. As an oil rich country, fuel is subsidized by the Government of Brunei Darussalam. The price of Dieseline fuel is BND 0.31 (USD 0.21) per litre. As with all subsidies, the export of fuel is prohibited.

Due to the low cost of fuel compared to that of our neighbouring country, fuel smuggling is a prevalent offence in Brunei Darussalam. The modus operandi of the fuel smuggling syndicate is to obtain a few Brunei Darussalam registered cars to buy fuel at the fuel station closest to the border between Brunei Darussalam and Malaysia. These cars are then required to cross the border to the nearest pit-stop for the fuel smuggling operator to syphon the fuel from the fuel tank of the said cars. This routine is then repeated by the said cars for a number of times in a single day.

Some of these cars had modified fuel tanks to increase the maximum capacity of fuel in order to avoid arousing suspicion at the Brunei Darussalam – Malaysia border.

In a joint operation between the ACB and the Malaysian Anti-Corruption Commission (MACC), undercover agents were used to pose as fuel smugglers to bribe Customs Officers in Brunei Darussalam. In November 2008, a legitimate fuel smuggler Kan was approached by officers from the MACC who had been jointly investigating him together with the ACB. Kan had been smuggling fuel and bribing Customs Officers since 2007. Kan was instructed to continue his fuel smuggling activities with another officer from MACC by the name of Lee.

In early December 2008, Kan introduced Lee to Sanip Ura at a coffeeshop in Kuala Belait, in Brunei Darussalam. During that meeting Sanip Ura told Lee that he had to pay him money at the end of every month based on the number of cars used to smuggle diesoline. If the car had a modified fuel tank, Lee had to pay \$100.00 for each car and if the car's fuel tank was unmodified, Lee had to pay \$50.00. Sanip Ura instructed that Lee pay him at a later date and asked Lee not to make arrangements with anyone else.

In mid-January 2009, Sanip Ura contacted Kan to ask Lee to pay him the monies that were due to him. Two meetings were arranged between Sanip Ura and Lee at a coffeeshop in Kuala Belait. During the first meeting, Lee who was wired with a pinhole camera gave Sanip Ura \$200.00. Sanip Ura reminded Lee that he was supposed to pay \$350 for 4 cars and Lee informed Sanip Ura that he will pay the balance on the next day. Video recording from the pinhole camera was tendered showing Lee holding money in his hand, followed by footage showing the absence of money in his hand as evidence of the handover.

During the meeting the day after, Lee who was again wired with a pinhole camera met with Sanip Ura at the same coffeeshop. Lee handed over \$150 to Sanip Ura. The video recording that was tendered in Court showed Lee holding out the money in his hand and also showed footage of Lee handing over the money to Sanip Ura. It was at this meeting that Sanip Ura informed Lee that he was going to Miri, Malaysia and that he wanted Lee to arrange for him a young sexy Filipina prostitute and to provide him with Viagra tablets.

Lee and Kan arranged for a Filipina prostitute to meet with Sanip Ura at a hotel in Miri, Malaysia and also purchased Viagra tablets for Sanip Ura. A video recording of the sex between Sanip Ura and the said Filipina prostitute was tendered in evidence.

Sanip Ura was charged with two counts under section 6(a) of the PCA for accepting the bribe of \$350 and gratification in the form of sexual service from a fuel smuggler and also two counts under Section 165 of the Penal Code for obtaining cash and sexual services without valuable consideration. Sanip Ura requested a trial and in 2016, he was convicted of all 4 charges and was sentenced to 12 months custodial sentence for each count under section 6(a) of the PCA charge and 6 months custodial sentence for each count under Section 165 of the Penal Code. The sentences were ordered to be served concurrently; therefore the total sentence was 12 months.

Sanip Ura appealed against the conviction and sentence. On appeal, the Appellate Court held that the conviction and sentence were proper, thereby dismissing his appeal.

2. An Education Officer: Hj Juhari bin Hj Muda @ Usop v Public Prosecutor (Criminal Motion No. 28 of 2016)

Hj Juhari bin Hj Muda (“Hj Juhari”), a Senior Education Officer was the Acting Head of the School Feeding Scheme and Hostel Section at the Ministry of Education. One of the tasks of the School Feeding Scheme and Hostel Section was to obtain tenders from independent vendors for contractual agreements to supply foods and drinks to schools within Brunei Darussalam. Hj Juhari was also the Chairperson of the Internal Meeting at the School Feeding Scheme and Hostel Section whose duty was to ensure all tender documents are in order before submission to the Ministry of Education Mini Tender Board.

At the time in question, the Ministry of Education had just released an advertisement inviting prospective tenderers to tender for the supply of foods and drinks to a particular school in Brunei Darussalam for a period of 3 years. One Pg Hj Damit was a businessman who was trading under several business names. He was interested in obtaining a tender contract for the supply of food and drink to the school in Brunei for 3 years.

Pg Hj Damit submitted a few tenders under several different business names at competitive prices. At that time, Pg Hj Damit had a staff working under him by the name of Nurul Huda who informed him that she knew a person who can obtain the contract for him. Nurul Huda approached her friend Bibi to inform her that a business was interested in securing the tender contract for the 3 years’ supply of foods and drinks to the school. Nurul Huda informed Bibi that Pg Hj Damit was willing to pay for securing the contract. Pg Hj Damit did not want Hj Juhari to know that he was the tenderer.

Bibi then approached Hj Juhari and asked him to check on the status of the tender document that was submitted by Pg Hj Damit. Bibi informed Hj Juhari that the tenderer was her relative. In a subsequent WhatsApp conversation between Bibi and Hj Juhari, Bibi informed him that the tenderer was willing to pay 5k if the tender contract was granted. Hj Juhari then arranged for Bibi to meet up with him and showed Bibi how much profit the tenderer would gain if they were awarded the contract. He asked Bibi to ask the tenderer for a higher sum of \$50,000.

In subsequent WhatsApp messages between Bibi and Hj Juhari, Bibi texted him stating the figure “25”. Bibi said Hj Juhari then called her to demand for \$40,000, which was to be made in two payment instalments. Hj Juhari informed Bibi that he had to pay people in the Internal meeting for them to agree to Pg Hj Damit’s tender.

Nurul Huda, on behalf of Pg Hj Damit, then asked Bibi to renegotiate for a one-time payment of \$35,000 only. Bibi sent a WhatsApp text to Hj Juhari stating “35”. After stating this figure, Hj Juhari replied saying that he will check with the others. According to Bibi, Hj Juhari then called her the next day to inform her that he agreed with the proposed payment of \$35,000. On the same day, Hj Juhari also sent a WhatsApp text to Bibi to ask her if she could meet him before his 5:30 pm meeting. According to Bibi, that was when she met with Hj Juhari to pay him the said sum of \$35,000.

The matter was reported to the ACB, and Hj Juhari was charged with an offence of corruptly accepting bribe contrary to Section 6(a) of the PCA. Several witnesses were called to Court to testify that Hj Juhari recommended two companies, one of which was Pg Hj Damit’s company, during the School Feeding Scheme and Hostel Section Internal Meeting. Witnesses also gave evidence that subsequently, in the Ad-Hoc Committee Meeting which was held for the purpose of deciding which company to award the 3-year supply of foods and drinks contract, the Director adopted the Internal Meeting’s recommendation.

During the trial, the WhatsApp conversation between Bibi and Hj Juhari was extracted using the IT Forensic Oxygen UFED software. This was helpful in painting the bigger picture especially when Hj Juhari denied ever taking money from Bibi and claimed that he did not know what the figures “25” and “35” meant even though a few messages before this she had made reference to “5k”.

Hj Juhari was convicted after trial and was sentenced to 2 years, custodial sentence and was also ordered to pay a penalty of \$35,000 or to serve an additional “in default” sentence of 6 months. He appealed against his conviction and sentence, but the Appellate Court held that the conviction and sentence were proper.

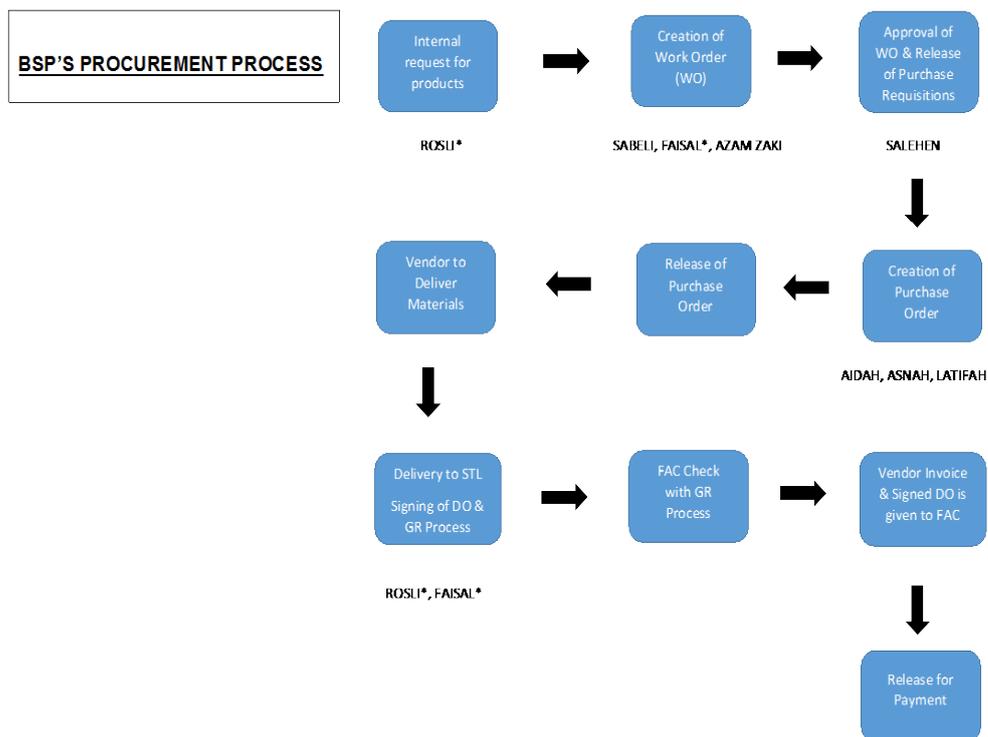
3. Musfada Enterprise – BSP Corruption

In 2009, Musfada Enterprise, a registered vendor of the Brunei Shell Petroleum Company Sdn Bhd (BSP) was discovered to be involved in corrupt practices with employees of BSP. Musfada Enterprise was the sole supplier of a fictitious ‘Vitron Degreaser’, a detergent created by Musfada Enterprise. Investigation from the ACB revealed that Musfada Enterprise bought Falchem Degreaser, which was produced in Singapore through a “kitchenware supplier”. Once Falchem Degreaser arrived in Brunei, Musfada Enterprise physically altered the name of Falchem Degreaser to Vitron Degreaser and supplied it to BSP as an exclusive brand from 2007 to 2009. This Vitron Degreaser was used for cleaning oil spills and dirt from the various oil tanks in BSP. The supplies of Vitron Degreaser were based on quotation or ad hoc basis with no long-term contract.

Investigation by the ACB revealed that BSP had placed orders and paid for 5,835 drums of Vitrone Degreasers but only 383 were actually delivered to BSP. Each Drum cost BND \$1,400, equivalent to USD \$1,1015.54.

Musfada Enterprise was managed by a man named David Chong who had two men working under him, Thomas Ling and Steve Liew, who each played a pivotal role in defrauding BSP. In the fraudulent scheme that was run by David Chong, both Steve Liew and Thomas Ling were to pay commissions (bribes) to BSP employees who created or expedited the approval of work orders, purchase requisitions and purchase orders in the BSP Procurement process. Once the purchase orders were approved, Musfada Enterprise would send delivery orders to the relevant BSP employees. Such BSP employees would then sign the delivery orders to acknowledge the deliveries, notwithstanding the fact that there had been no deliveries or only partial deliveries made. For goods that were delivered the commission paid was usually 30% of the price for goods that were delivered, whereas for goods that were not delivered the commission paid was 50% of the price for the goods that were not delivered.

The BSP employees who merely created the Purchase Orders and were not aware of the delivery of the items were usually rewarded with a 3% commission based on the number of Purchase Orders created in a month. The commission was payable at the end of every month. The BSP employee who signed the Delivery Order would usually get \$100 to \$200 for each signed Delivery Order without inspection of the goods delivered. From the period of 2015 to date, Brunei Darussalam has prosecuted only 8 BSP employees out of a total of 31 employees, who each had a different role in the BSP Procurement process that had allowed Musfada Enterprise to defraud BSP into losing BND \$7,354,200 equivalent to USD \$5,332,352. The diagram below shows an overview of the work flow of the BSP's Procurement Process and the role that the eight employees played in the process.



The 8 employees were charged and sentenced as follows:

(i) Public v Prosecutor v Aidah binti Tengah (HCCT No. 5 of 2015)

Aidah binti Tengah (“Aidah Tengah”) was charged with a total of 20 charges in respect of a total gratification of \$200,200. She pleaded guilty mid-way through the trial to 15 charges in respect of gratification in the sum of \$189,500 and was sentenced to 5 years’ imprisonment. She was also ordered to pay Prosecution’s costs and a penalty. On appeal (CA No. 18 of 2016) the sentence was reduced to 3 years because Aidah Tengah was held not to be fully involved in the whole fraudulent scheme — her exposure to the corruption was only limited to her part in the creation of the purchase orders. The sentence was also reduced because Aidah Tengah had rehabilitated herself.

(ii) Public Prosecutor v Latifah binti Junaidi (HCCT No. 18 of 2015)

Latifah binti Junaidi was charged with a total of 102 charges in respect of a total gratification of \$51,407. She pleaded guilty at the first day of trial to 35 charges in respect of gratification in the sum of \$36,073. She was sentenced to 3 years and 8 months’ imprisonment and was also ordered to pay Prosecution’s costs and a penalty. On appeal against the sentence (CA No. 4 of 2017), the Court of Appeal held that sentence imposed was proper.

(iii) Public Prosecutor v Asnah binti Sairan (Criminal Trial No. 907 of 2015)

Asnah binti Sairan was charged with a total of 16 charges in respect of a total gratification of \$28,300. She requested a trial and was found guilty and sentenced to a custodial sentence of 4

years and 6 months. She has filed an appeal against both conviction and sentence, which is yet to be heard and determined by the Appellate Court.

(iv) Public Prosecutor v Sabeli bin Ismail (MCCT No. 909 of 2015)

Sabeli bin Ismail was charged with a total of 11 charges for corruptly accepting bribes totalling \$51,850. He pleaded guilty at the first day of trial to 6 charges in respect of gratification in the sum of \$30,250. He was sentenced to 4 years' imprisonment and was ordered to pay Prosecution's costs and a penalty. On appeal (HACM No. 38 of 2016), the sentence of 4 years' imprisonment was upheld. The Court held that Sabeli bin Ismail had played a pivotal role in the fraud against BSP.

(v) Public Prosecutor v Mohd Faisal bin Hj Ismail (MCCT No. 911 of 2015)

Mohd Faisal bin Hj Ismail was charged with 26 counts of corruptly accepting bribe totalling to the sum of \$52,695. Following conviction after trial, a custodial sentence of 6 years was imposed and he was ordered to pay Prosecution's costs and a penalty. Mohd Faisal bin Hj Ismail elected not to appeal the conviction on sentence.

(vi) Public Prosecutor v Muhd Azam Zaki bin Md Zain (HCCT No. 6 of 2015)

Muhd Azam Zaki bin Md Zain was charged with 13 counts of corruptly accepting bribes totalling \$110,100. Upon conviction on his own guilty plea to 5 counts in respect of gratification in the sum of \$88,200, he was sentenced to 4 years' imprisonment. On appeal the Court held that the sentence imposed was proper as he was involved in the full part of the plan and had accepted considerable gratification.

(vii) Public Prosecutor v Rosli Simon (MCCT No. 910 of 2015)

Rosli Simon was charged with 11 counts of corruptly accepting bribes totalling \$65,800. Following conviction after trial, the Court imposed a custodial sentence of 6 years and ordered Rosli Simon to pay Prosecution's costs and a penalty. He filed a criminal motion out of time (Criminal Motion No. 33 of 2017) to apply for leave to appeal against his sentence. On appeal it was held that the sentence imposed of 6 years' imprisonment was proper.

(viii) Public Prosecutor v Salehen Marsal (HCCT No. 7 of 2015)

Salehen Marsal was charged with 49 counts of corruptly accepting bribes totalling \$200,872.13. He requested a trial and was convicted on all 49 counts. Salehen Marsal was imposed with a sentence of 6 years' imprisonment and was ordered to pay Prosecution's costs and a penalty. On appeal (CA No. 2 of 2017), the sentence of 6 years was upheld as Salehen was held to be aware of the full extent of the criminal scheme.

4. Bribing Government Officers.

In 2017, Nauaz Ali was a foreign national who was working in Brunei Darussalam. During an operational raid, he was found in possession of an expired Brunei National Registration Identification Card by the policeman on duty. Nauaz pleaded with the policeman to not take action against him and offered the said policeman \$20. The policeman reported the matter and Nauaz was subsequently charged for an offence of bribing a policeman under Section 6(b) of the PCA. He pleaded guilty at first instance and was sentenced to a custodial sentence of 8 months.

Another foreign national, Pathmanathan Jegan Muhammad Saifullah bin Abdullah who was serving a custodial sentence for another offence, bribed a prison officer to allow him to use the officer's mobile phone with the promise to pay him 200 euros that will be wired to his account from his family in his home country. He was charged with the offence of bribing a prison officer under Section 6(b) of the PCA. Upon conviction on a guilty plea, he was sentenced to 12 months' imprisonment.

III. EFFECTIVE COUNTERMEASURES

Brunei Darussalam is not in isolation in its fight against corruption. In addition to formulating its own policies, Brunei Darussalam has also adopted best practices shared by its regional and international counterparts. Engagement in collaborative work with other foreign enforcement agencies has further enhanced Brunei Darussalam's capability in effectively combating corruption.

Brunei Darussalam has employed various countermeasures. In particular, Brunei Darussalam has embarked on a series of extensive anti-corruption awareness programmes for all levels of society. As custodian of the PCA, the ACB has been instrumental in promoting, at various levels of the Government and the private sector, and within the nation's multi-tiered education system, such programmes that instil concepts and principles of integrity, accountability, responsibility and trustworthiness. Public outreach programmes have also been conducted for the purposes of increasing anti-corruption awareness among the general public. The ACB has further devoted special attention to working with young people and children as part of a strategy to prevent corruption.

A. Effective Education and Awareness Programmes for Government and the Private Sector

Inter alia, the objectives of the education and awareness programmes for the Government and the private sector are as follows:

- to instill integrity and core values; and
- to promote awareness of the importance to fight any corrupt elements in their day-to-day dealings.

In executing its duties as the main agency entrusted and empowered to tackle corruption, the ACB has been holding dialogues and delivering talks to the following:

- To officers and staff of Government Ministries and Departments;
- To newly recruited Government officers and staff during Public Service Induction Courses;
- To newly appointed diplomatic missions of Brunei Darussalam abroad; and
- To officers and staff of statutory bodies, GLCs and private companies.

B. Effective Education and Awareness Programmes for Students at Primary, Secondary and Tertiary Levels

Brunei Darussalam has identified the children and youth as a class of individuals requiring a specialist, carefully tailored anti-corruption awareness approach. The objectives of such awareness programmes are:

- To inculcate good values at early childhood so as to serve as a basic platform for producing future responsible adults with core values such as integrity, accountability, responsibility and trustworthiness.
- To generate a more educated society with anti-corruption awareness in the longer term.

Schools provide a practical and conducive platform of opportunity to achieve these aims by education. As part of its wider and continuous outreach preventive effort to the young generation, in January 2006, the ACB launched the inclusion of Corruption Prevention Education (CPE) in the National Curriculum. This project is a landmark national programme to include anti-corruption and prevention education in public education curriculum. This programme was initiated by the ACB with the joint effort of the Curriculum Development Department, Ministry of Education. The CPE books and training materials were made in phases and have completed its modules from Year 1 in 2006 to Year 6 in 2012.

Anti-corruption lessons are taught to school students as part of their civic studies. Students continue to learn in greater depth the dangers of corruption and the importance of battling its elements from seeping through the veins of society as they progress to tertiary education. At the higher institutions, such anti-corruption lessons are embedded in the Malay Islamic Monarchy (Brunei Darussalam's national philosophy) tertiary course module.

The ACB also frequently delivers talks to students, teachers, lecturers and members of staff in Primary and Secondary Schools, as well as Universities. The ACB, in collaboration with the Centre for Promotion of Knowledge and Language Learning of the Sultan Sharif Ali Islamic University has also organized an oratory competition for higher institution students in Brunei Darussalam, with the theme "The Role of Higher Institution Students in Combating Corruption."

C. Effective Education and Awareness Programmes for the General Public

It is vital for members of the general public to be instilled with core values which are fundamental to the social and economic development of the nation. The ACB, in playing its role as the pivotal agency in eradicating corruption, has continuously delivered anti-corruption awareness talks to village heads and communities.

As a nation which practices Islamic principles in all aspects of life and governance, the harms associated with corruption are often highlighted in the religious context. To commemorate International Anti-Corruption Day, every year the Friday Prayer Sermon will touch upon the importance of fighting corruption in all segments of the society. The Sermon will be read out in all mosques throughout Brunei Darussalam. Islamic literatures addressing the ills of corruption

are also made available by the ACB in mosques throughout Brunei Darussalam. Religious talks on corruption as a vice are also often held by religious scholars.

The national television and radio channels also air anti-corruption tickers as effective and rapid means to promote anti-corruption awareness amongst members of the public.

D. Effective Preventive Measures

As a means of preventing corruption, Brunei Darussalam has set in place a number of check and balance mechanisms. Realizing that offences of corruption are difficult to detect and prove, as part of good governance, audits in both the Government sector the private sector are conducted from time to time.

Procurement of assets and services often entail tedious down-selection and award processes involving a number of individuals in positions of power and trust. As such, by having in place Procurement Tender Boards, corrupt elements can be minimalized or completely eliminated. Depending on the value of procurement, the down-selection and award processes may even have to undergo scrutiny through a multi-tiered Procurement Tender Board.

Brunei Darussalam has also made it a regulation for members of the public service to declare any such gifts received from third parties in their course of duties. Such practice is also widely adopted in the private sector as an effective means of ensuring their employees are not persuaded to act preferentially to the givers of such gifts.

E. Effective Measures for Prosecuting Corruption

The Criminal Justice Division of the Attorney General's Chambers has a specialized team of Prosecutors conducting the prosecution of corruption cases. By having a specialized team, dedicated to the analysis, assessment and prosecution of corruption cases, it is envisaged that more successful outcomes can be obtained in respect of corruption cases which are brought before the Courts of Brunei Darussalam.

To ensure that the Attorney General's Chambers provide high quality prosecution and legal advisory services, it is crucial to have continuous training for Prosecutors. Frequent participation of Prosecutors in regional corruption seminars and conferences has proven to be an effective measure in broadening the Prosecutors' knowledge and expertise. Such participations have also significantly enhanced cooperation between the local Prosecutors and Prosecutors from other jurisdictions. Therefore, the Attorney General's Chambers will continue to give such opportunities and exposures to its Prosecutors.

As part of promoting life-long learning experience, while at the same time focusing on capacity-building in respect of corruption-offence specialists, the Attorney General's Chambers have also continued to encourage its Prosecutors to enrol in master's degree programmes which offer corruption and money-laundering modules.

Another measure to ensure effective prosecution of corruption cases is by nurturing close ties and cooperation between the Prosecutors and the ACB. The Legal Clinic has been introduced early this year with the objective of providing an avenue for the Investigating Officers

to discuss their cases with the Prosecutors on a more frequent basis. Dialogues between the Prosecutors and the ACB are also held so as to enable both parties to discuss issues pertaining to the investigation and prosecution of corruption cases. It is also used as a platform to explain judgments of the Courts of Brunei Darussalam so that moving forward, both the ACB and the Prosecutors can learn and develop from the issues raised and remarked by the Courts.

The use of technology has also greatly assisted in the effective prosecution of corruption cases. IT Forensic technology has enabled the extraction of data and information pertaining to the corrupt activities. Advanced communication technology has also made it possible for the location tracking of corrupt individuals.

F. Effective Measures for Asset Recovery and International Cooperation

1. Asset Recovery and the International Framework

In Brunei Darussalam, the legislative framework that allows for asset recovery both within Brunei Darussalam and abroad is provided for in the Criminal Asset Recovery Order (2012) and the Mutual Assistance in Criminal Matters Order (2005). One of the most effective measures in international asset recovery is the existence of close networking between the Prosecutors and their international counterparts. The close network provides a platform for the expeditious processing of international requests through both formal and informal channels. It is realized that especially with the International Mutual Legal Assistance request, informal cooperation can speed up the process of a request for assistance.

Another effective measure for ensuring successful asset recovery is by way of providing adequate information to the foreign authorities when submitting requests for mutual legal assistance. In order to address this need to provide adequate information, there must be an effective mechanism that can facilitate the gathering of intelligence and collection of evidence. Benefitting from existing close international relations, Brunei Darussalam's enforcement agencies such as the ACB and the Royal Brunei Police Force are able to tap the resources and expertise of their international counterparts, which directly and indirectly contribute towards the gathering of reliable intelligence and collection of adequate evidence, sufficient to enable the requested foreign authorities to identify the types of assistance to render to Brunei Darussalam.

2. Successful Asset Recovery and International Cooperation

One example of Brunei Darussalam's successful asset recovery through international cooperation was the recovery of assets from David Chong's account in Singapore.

MUSFADA ENTERPRISE (DAVID CHONG) – Newspaper Report

The Attorney General's Chambers (AGC) has recovered over BND\$600,000 from the bank accounts in Singapore of a key Brunei Shell Petroleum contractor, who was jailed for bribery in November 2013.

The case marked the first time the Government of Brunei Darussalam has enforced an asset recovery order through the use of Mutual Legal Assistance, the AGC said in a press statement.

The AGC said the recovery of the proceeds of the corruption case served as “a reminder that criminals who hide their money and assets overseas are not untouchable”.

The contractor, Malaysian national David Chong, who was the manager of Musfada Enterprise, was found guilty of multiple counts of bribing Shell employees in what was described by the High Court as a case involving “syndicated corruption on the large scale” between 2005 and 2009. The case was investigated by the Anti-Corruption Bureau.

In addition to Chong’s total jail term of six years and four months, the judge in the case, Judicial Commissioner John Gareth Lugar-Mawson, had made a Benefit Recovery Order under the Criminal Asset Recovery Order (CARO) in order to recover funds held in Chong’s bank accounts in Singapore.

The AGC and the Attorney General’s Chambers of Singapore, both of which function as the Mutual Legal Assistance Secretariats of their respective nations, had carried out extensive cooperative work to enforce the Benefit Recovery Order.

“The money is to be paid into the Criminal Assets Confiscation Fund, established under CARO which is managed by the Permanent Secretary of the Ministry of Finance,” the AGC said.

The AGC said the recovery of proceeds from the crime highlighted the importance of mutual legal assistance.

The successful enforcement of the Benefit Recovery Order, as demonstrated in the aforesaid criminal case, is also testament to the comprehensive and robust legal international cooperation framework that Brunei Darussalam possesses through laws such as the Mutual Assistance in Criminal Matters Order (MACMO) and the Criminal Asset Recovery Order, as well as the strong and long-standing working relationship between the Attorney General’s Chambers of Brunei Darussalam and Singapore.

IV. CONCLUSION

As clearly illustrated from the aforesaid corruption cases, Brunei Darussalam adopts a ‘zero tolerance’ policy towards corruption. Irrespective of the amounts of bribes and gratifications offered or received, the Government of Brunei Darussalam sternly deals with such corrupt individuals by instituting prosecution against them before the Courts of Brunei Darussalam. The Courts of Brunei Darussalam have also demonstrated their firm stance against corruption and their resolve to deter others from committing corruption and corruption-related offences through the severe penalties imposed.

In his Titah in conjunction with the 2008 New Year Celebration, His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam stressed as follows:

Do not assume 'petty corruption' does not matter, but keep in mind the risks. Small or big, little or lot, are all equally a disease, which can adversely affect the country. A country drowning in corruption is an unfortunate country.