

# **DEFENDING BRIBERY CHARGES**

# **INVESTIGATION AND PROSECUTION**

- ▶ **All bribery cases are investigated and prosecuted by the Commission to Investigate Allegation of Bribery or Corruption.**
- ▶ **Complicated or cases of Public Interest are sometimes prosecuted by the Attorney General.**

# **METHODS**

**1)Open Inquiries**

**2)Surveillance**

**3)Trap**

# **1) OPEN INQUIRIES**

- ▶ **Commences with a formal complaint**
- ▶ **Investigation begins if there are merits to the complaint**

# **DEFENCE**

- ▶ **Probe for a motive**
- ▶ **Attack substance of the evidence**
  - ▶ **Contradictions**
  - ▶ **Omissions**
  - ▶ **Shortage in corroboration**

## **2) SURVAILLENCE**

- ▶ **No formal complaint**
- ▶ **Commonly based on anonymous information or notice by Commission**
- ▶ **Use a minimum of 3 officers**
- ▶ **1 arresting officer and a minimum of 2 decoys**
- ▶ **An arrest is made if decoys spot any money being passed**
- ▶ **Commonly, the recipients who accept will be charged and the offerors will be a principal witness.**

# **3) TRAP**

## **COMMON ELEMENTS**

- ▶ **Efficient**
- ▶ **Commonly practiced**
- ▶ **Planned, manned and executed**
- ▶ **Use of a decoy in the scene**
- ▶ **He will/should corroborate the evidence of virtual complainant in the trial**
- ▶ **Use of marked currency for gratification**
- ▶ **Arrest and detection by the Chief Investigator/ Arresting officer**

# **I) RECEIVING INFORMATION**

- ▶ **Solicitation by a Public Officer**
- ▶ **Formal complaint to the Commission**
- ▶ **Details pertaining to solicitation**
- ▶ **Details on how the transaction would take place**
  - ▶ **Date**
  - ▶ **Time**
  - ▶ **Place**
  - ▶ **Mode of giving**
    - ▶ **Directly**
    - ▶ **To a 3<sup>rd</sup> person**
    - ▶ **Keep at a location**



## **II) RAID - PREPERATION**

- ▶ **Instruction to Chief Investigator**
- ▶ **Raid party**
  - ▶ **An officer – in – charge**
  - ▶ **A decoy**
  - ▶ **An arresting officer (Usually done by the OIC)**
  - ▶ **Stand by members for assistance**
- ▶ **Preparation of currency**
  - ▶ **Approval**
  - ▶ **Recording of currency numbers**

- ▶ **'Out Entry' and departure of raid party**
- ▶ **Meeting the Complainant**
- ▶ **Selection of decoy**
  - ▶ **Son, brother etc.**
- ▶ **Instructions to virtual complainant**
- ▶ **Instructions to decoy**
- ▶ **Possession of money to be given**
  - ▶ **Currency brought from the Commission**
- ▶ **Instructions to rest of the crew on how to act**
- ▶ **Proceed to the location and process**

# **III) RAID – AT THE SCENE**

- ▶ **Meeting of virtual complainant and office who demanded the bribe**
- ▶ **Receiving a signal if bribe has been accepted**
- ▶ **Arrest of suspect and recovery of money**
- ▶ **Recovery process – Comparing currency with CNB notes**
- ▶ **Taking suspect into custody and further investigation**

# **DEFENSE**

## **▶ Defense**

- ▶ A - Case not proved**
- ▶ B – Direct denial of solicitation/ acceptance**
- ▶ C – Acceptable explanation of solicitation/ acceptance**
- ▶ D – Alleged gratification was legally due**
- ▶ E – Accused doesn't fall under the Commission Act**

## **▶ Stakeholders**

- ▶ Complainant**
- ▶ Commission**

- ▶ **Pre – trial preparation**
  - ▶ **All statements of the complainant**
  - ▶ **Detailed notes of the decoy**
  - ▶ **Detailed notes of Officer – in – Charge of the investigation**
  - ▶ **Notes of Arresting Officer**
  - ▶ **General investigation notes**
    - ▶ **IB, CNB, PNB, PR, TR**
  - ▶ **Reports obtained from authorities/ service providers**