

CBRN Ltd. / Ananias Tumukunde

Case ID:

ST-114

Case Cluster :

CBRN Ltd.

Jurisdiction of Settlement:

United Kingdom

Jurisdiction of Settlement / Enforcement Agency:

Crown Prosecution Service

Jurisdiction of Foreign Public Official(s) :

Uganda

Year of Settlement:

2008

Month/Day of Settlement (or Notes):

09/21

Other Jurisdictions of Settlement:

Unknown

Settlement with Individual or Legal Person?:

Individual

Type of Settlement:

Criminal

Legal Form of Settlement:

Guilty Plea

Monetary Sanctions (Types):

Criminal Restitution

Total Monetary Sanctions (US\$):

\$96,682.00

Criminal Fine/Penalty (US\$) :

\$0

Criminal Restitution / Reparation (US\$):

\$96

682

Monetary Sanctions Returned / Ordered Returned (US\$):

\$73,242

Monetary Sanctions Returned / Ordered Returned (Explanation):

Restitution to Uganda

UNCAC Articles(s) Implicated:

Art.16

OECD Anti-Bribery Convention Articles Implicated:

Art. 1

Offenses - Alleged:

Receipt of corrupt funds; money laundering

Offenses - Settled:

Receipt of Bribery

Public Procurement Contract / SOE Involved?:

Yes

Summary:

According to the UK's Self-Assessment related to the United Nations Convention against Corruption, "R v Tumokunde & Tobiasen - Tumokunde, from Uganda advised his government on science and technology. In May 2007 he signed a contract worth £210,000 with British company CBRN Ltd, for CBRN to supply services to the government for a forthcoming Commonwealth visit by heads of state. Following the agreement, Tumokunde approached CBRN Managing Director, Niels Tobiasen, claiming that he would need to make additional payments via Tumokunde to meet a local tax of 10%. Tobiasen agreed and a total of six payments worth over £83,000 were made to both Tumokunde and another Ugandan, Rusoke Tagaswire between 1 June 2007 and 1 February 2008. Tumokunde and Tagaswire recorded the money as being paid to them as agents of the Ugandan government working on the contract, when in fact they were inducements going directly into two bank accounts Tumokunde had opened in his own name in the UK. Tumokunde was charged with four counts of money laundering and sentenced to 12 months in prison on 22nd September 2008. Niels Tobiasen pleaded guilty to making corrupt payments and given a suspended sentence after cooperating fully with police enquiries. It is currently estimated that up to £40,000 of the monies will be repatriated to the Government of Uganda." (Source: United Kingdom, "Self-assessment checklist on the implementation of the United Nations Convention against Corruption," September 2008, at www.dfid.gov.uk.) According to the Norton Rose law firm Case Study cited in the July 13, 2011 United Kingdom's UNCAC Self-Assessment Report, the London Police received information of Tumokunde's plans to travel to the UK and Tumokunde was arrested by Scotland Yard at Heathrow Airport. (Tobiasen later pleaded guilty to making corrupt payments to Tobiasen. On September 22, 2008, Tumokunde pleaded guilty, before His Honour Judge Wadsworth in the Southwark Crown Court to accepting corrupt payments and was sentenced to 12 months' imprisonment; he also signed a disclaimer releasing the GBP 52,800 from his bank account into the custody of the City of London Police for restitution. (Sources: Norton Rose (law firm), "Case Study: CBRN Team Ltd (non-FCPA)"; City of London Police Statement, "Guilty plea to bribery sets legal landmark," July 27, 2010.)

Source: <http://www.nortonrose.com/expertise/business-ethics-and-anti-corruption/business-ethics-and-anti-corruption-case-study-cbrn-team-ltd-non-fcpa-18410.as>

Sources :

United Kingdom, "Self-assessment checklist on the implementation of the United Nations Convention against Corruption," September 2008, at www.dfid.gov.uk; Paul Lewis and Rob Evans, "Ugandan is jailed in UK bribery crackdown," The Guardian, September 22, 2008, accessed at <http://www.guardian.co.uk/uk/2008/sep/23/ukcrime.law>; United Kingdom Report to the OECD, "Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Information as of 16 August 2011), accessed at <http://www.oecd.org/dataoecd/17/30/48362318.pdf>