



A COMPARATIVE REVIEW
OF SENTENCING PRACTICES AND NORMS FOR CRIMES OF CORRUPTION:
FRANCE, GERMANY, HUNGARY, IRELAND, UNITED KINGDOM,
AND UNITED STATES¹

"[C]orruption is a serious criminal offence, which threatens the rule of law, democracy and human rights, undermines good governance, fairness and social justice, distorts competition, hinders economic development and endangers the stability of democratic institutions and the moral foundations of society."

[Edmondo Bruti Liberati, "Inquires, prosecutions and penalties in corruption cases," 5th European Conference of specialized services in the fight against corruption, 15-17 November 2000, Istanbul (Turkey)]

Corruption in all of its forms is a continuing problem throughout the world. While it appears that no country is immune from acts of corruption and the devastating and subversive effects it can have on the civil society and governments, many countries are making great strides in effectively combating and preventing acts of corruption within their borders. The fight against corruption is a multi-faceted and interdisciplinary venture which involves not only effective and clear criminal and civil legislation, but also enforcement of that legislation through innovative investigatory techniques, vigorous prosecution, the cooperation of many agencies and groups, and strong sentencing practices upon conviction. This paper provides a brief overview of sentencing practices and regimes in six countries.

The sentence a person receives after being convicted of a crime or found liable of a wrongful act reflects not only the punishment imposed upon that person, but also the societal message the government, through its judiciary, wants to send. While

¹ This document was written by ABA-CEELI fellow, Meagan Condrey, a former legal aid attorney and former prosecutor in the United States. Judge Marie Leclair and Dr. Stefanie Ricarda Roos provided additional comments.

the media can shed light on a developing situation of corruption and the subsequent trials or court hearings, it is an effective and justified sentence upon conviction that sends the most powerful message to the citizens of a country.

In January 1999, the Council of Europe, European Treaties, hosted a Criminal Law Convention on Corruption in Strasbourg, France. At the conclusion of this convention, it was determined that when sentencing for corruption based crimes, “[e]ach Party shall provide . . . effective, proportionate and dissuasive sanctions and measures, including . . . penalties involving deprivation of liberty which can give rise to extradition.” [Criminal Law Convention On Corruption, Strasbourg, 27 January 1999, Article 19, paragraph 1] The convention went on to state that “[e]ach Party shall ensure that legal person held liable [of corruption] . . . shall be subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.” [Id., paragraph 2] Lastly, the convention determined that each Party should adopt legislation to enable it to confiscate the instrumentalities and proceeds (or the equivalent value thereof) of criminal offenses involving corruption. [Id., paragraph 3]

Most criminologists would agree that, for aggravated and serious corruption, an effective sentence upon conviction of a crime would involve:

1. The deprivation of liberty
2. Monetary sanctions, and/or
3. Confiscation of the proceeds of the crime.²

It is also important, however, that the seriousness of the particular offence be taken into account as well as the need to send a message of deterrence. As stated in Article 30 of the United Nations Convention Against Corruption in 2003, “any discretionary legal powers . . . relating to the prosecution of persons for offences established in accordance with this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences.”

² Judges may also consider as part of a sentence, ordering that the convicted person be prohibited from their professional practice and/or be expelled or be prohibited from public service. [Edmondo Bruti Liberati, 5th European Conference of specialized services in the fight against corruption, 15-17 November 2000, Istanbul (Turkey), paragraph 7]

The following pages provide a brief examination of how some countries penalize individuals convicted of crimes of corruption and what the range of sentencing can be. This may provide a possible reference and starting point for discussions in considering appropriate and effective sentences for those convicted of corruption in Romania, because members of the Judiciary play an essential role in the fight against corruption, and hold the ultimate power to send a strong message of intolerance against these acts. Such a message reflects the overriding sentiment of the Romanian Civil Society.

I. FRANCE

Sentencing Overview

In France, the rules on sentencing are set out in Part 1, the *Partie Générale* of the new Penal Code of 1996. Article 111-1 defines 3 types of criminal offenses: crimes, misdemeanors, and violations. For each type of offense, a range of sentencing penalties is possible. For instance, crimes allow for a sentence of 5 years in prison to life in prison (i.e., penal servitude for life and/or criminal detention for life). Misdemeanors are punishable with between 2 months and 5 years imprisonment or a fine of €1500. Finally, violations are punishable with a fine of up to €1500, up to 2 months in prison, and/or confiscation of seized property. [Sentencing Guidelines Around the World, Diane Machin, Principal Researcher, The Sentencing Commission for Scotland, May 2005]

As discussed in the GRECO First Evaluation Report on France (adopted by GRECO at its 6th Plenary Meeting on 10-14 September 2001, Strasbourg, France), laundering of the proceeds of any crime or lesser offense is a misdemeanor. [Article 324-1 of the Criminal Code]. Simple laundering is, thus, punishable with 5 years in prison and a fine of €375.000 [Id.] Aggravated laundering is punishable by 10 years' imprisonment and a fine of €750.000 [Article 324-2, Criminal Code]. Acts committed by a public official or employee within the exercise of his duties and committed with the intent to prevent the application of the law are punished by 5 years in prison and a €75.000 [Article 432-1, Criminal Code] If the offense committed by the public official or employee involved purposeful violation of the law, it is punishable by 10 years imprisonment and a fine of €150.000 [Article 432-2, Criminal Code] Crimes of bribery, illicit enrichment and undue influence are

addressed in Articles 432, 433, 434 and 435 of the Criminal Code. Depending on the severity of the offense and the level of culpability, such crimes carry a sentence of 2 years imprisonment and €50.000, 5 years imprisonment and a €75.000, or 10 years imprisonment and a €150.000 fine.

In addition to the above range of sentences, crimes of corruption set out in Article 432 of the Criminal Code may also be punished by:

1. deprivation of civil, civic and family rights;
2. disqualification from holding public office or carrying the professional or societal activity within which the criminal act was committed;
3. confiscation of money or items unlawfully acquired through the criminal act (unless those items go towards restitution to the victims);
4. displaying and/or publishing the decision of guilt and sentence.

[Articles 432-17, 433-22, 435-5 Criminal Code]

Thus, confiscation is an additional penalty that may be imposed in sentencing. Confiscation may also be ordered pursuant to an administrative procedure. Under Article 131-21.4, when a confiscated item has not been seized or cannot be produced, confiscation will be ordered as to the equivalent value of the item of whose value is decided by the trial court usually after hearing from an expert on the matter. It is also possible to employ civil imprisonment to recover the value of the item. In practice and to simplify matters, confiscations apply to assets previously seized, otherwise fines are imposed. [See Group of States Against Corruption, Second Evaluation Report on France adopted by GRECO at its 21st Plenary Meeting on 29 November - 2 December 2004, Strasbourg, France]

Convictions in the News

In November 2003, a Paris court convicted 3 former top executives at the French oil company, Elf. The criminal court sentenced former chief executive Loik Le Floch-Prigent and his deputy Alfred Sirven to 5 years in prison. Andre Tarallo was sentenced to 4 years in prison. All 3 men were also sentenced to pay extensive fines: € 375, 000 for Le Floch-Prigent, € 1,000,000 for Sirven, and €2,000,000 for Tarallo. "The three senior Elf officials were found guilty of amassing small personal fortunes -- to the tune of a total 305 million euros (350 million dollars) -- by skimming off the top of illicit slush funds run by the company." They were convicted of embezzling hundreds of millions of euros by using secret accounts and engaging in bribery tactics to secure lucrative contracts, mainly in Africa. In addition, the

evidence showed that Sirven received such luxury gifts as jewels, a villa in Ibiza, and a chateau in France. Tarallo received property in Paris and on the island of Corsica. Le Floch-Prigent benefited from 5 million euros to pay for his divorce. [“Former Elf execs get jail sentences at French corruption trial”, Europe Intelligence Wire, Financial Times, Ltd., 12 November 2003]

II. GERMANY

Sentencing Overview

Germany provides a general criminal laws framework through the Criminal Code (Strafgesetzbuch – StGB) and Criminal Procedure Code (Strafprozessordnung – StPO). The general provisions regarding the legal consequences of an act are included in Chapter Three: Title One – Punishments. According to these provisions, the sentences generally available to the German Courts are imprisonment (Sections 38 and 39), fines (Section 40 – 43a including property fines), the suspension of executions of punishment, and probation, respectively (Sections 56 – 58), and measures of reform and prevention (Sections 61 – 72). Title Two and Three of the general part of the Criminal Code outline the principles for determining punishment (Determination of Punishment – Sections 46 – 51 and Determining Punishment for more than one violation of the law – Sections 52 – 55). The judges do not have discretion as far as the legal consequence for a specific offence is concerned. Rather, the legal consequence, i.e. punishment for each specific offence such as, e.g. crimes in public office (acceptance of a benefit – Section 331; Taking a Bribe – Section 332, Granting a Benefit – Section 333; Offering a Bribe – Section 334, Especially Serious Cases of Taking or Offering Bribes – Section 335 etc.) are outlined in the provisions which describe these offences. Judicial discretion exists only in so far as these provisions state minimum and maximum penalties. The judges are to determine the exact legal consequence based on the principles for determining punishment as outlined in Sections 46 – 55.

According to the general part of the Criminal Code, the minimum term of imprisonment is one month, the maximum term fifteen years (Section 38, Para. 2), imprisonment of less than 6 months should only be imposed when special circumstances exist, either in the act or the personality of the perpetrator which make the imposition of imprisonment indispensable to exert influence on the perpetrator or to defend the legal order (Section 47), and sentences between 6 and

12 months shall be suspended by the court and probation be granted if it can be expected that the sentence will serve the convicted person as a warning and he will commit no further crimes in the future even without the influence exerted by serving the sentence.

Particularly to be considered are the personality of the convicted person, his previous history, the circumstances of his act, his conduct after the act, his living conditions and the effects which can be expected as a result of the suspension (Section 56, Para. 1). The court may also suspend the execution of a longer term of imprisonment which does not exceed two years under the provisions of Para. 1 and grant probation if a comprehensive evaluation of the act and personality of the convicted person reveals the existence of special circumstances. In making the decision the efforts of the convicted person to make restitution for the harm caused by the act should particularly be considered (Section 56, Para. 1).

With regards to sentencing considerations, the Criminal Code states that “the offender’s blameworthiness should be the primary consideration in determining sentence and the Federal Court of Appeals has ruled that the sentencing judge must not impose a penalty that is so severe that he himself does not regard it as proportionate to guilt.” [Id., see also 7 BGHSt 28 at 32 (1954)] The Code also creates a distinction between serious criminal offenses (punishable by a minimum sentence of 1 year in prison) and less serious offenses (punishable by less than a year in prison or a fine). [Group of States Against Corruption, First Evaluation Report on Germany, adopted by GRECO at its 8th Plenary Meeting on 4-8 March 2002, Strasbourg, France]

Some examples of offenses and the possible penalties imposed according to the Criminal Code include:

- Accepting of a financial or intangible advantage by statutory officials and those in charge of a public function – no more than 3 years imprisonment or a fine; no more than 5 years or a fine, if the advantage is in consideration for a specific judicial act by a judge or arbitrator. [German Criminal Code, section 331, paras. 1 and 2]
- Accepting a financial or intangible advantage in consideration for a specific official act by a public official and where the act is in breach of his duty – 6

months to 5 years imprisonment (in serious cases) or no more than 3 years or a fine for less serious cases; 1 to 10 years, where a judge or arbitrator is involved (6 months to 5 years in less serious cases). [German Criminal Code, section 332, paras. 1 and 2]

- The granting of a benefit is regulated by section 333. It provides a sentence of no more than 3 years of imprisonment or a fine for public officials and 5 years for cases involving judges or arbitrators [German Criminal Code, section 333, paras. 1 and 2].
- The person who offers or grants a benefit to a public official shall be punished with imprisonment from 3 months to 5 years or for less serious cases no more than 2 years or a fine. [German Criminal Code, section 334, para. 1] When offering a bribe involves a judge or an arbitrator who performed an act in violation of his official duties the punishment is imprisonment from 3 months to 5 years, while for acts to be performed in the future the punishment is imprisonment from 6 months to 5 years [German Criminal Code, section 334, para. 2].
- Where a bribe involves a large sum of money or where advantages were repeatedly accepted – 1 to 10 years of imprisonment; no less than 2 years in prison where the person taking the bribe is a judge or arbitrator [German Criminal Code, section 335, para. 1].
- Money Laundering – 6 months to 10 years for serious offenses [German Criminal Code, section 261, para. 4]; 3 months to 5 years for less serious offenses [German Criminal Code, section 261, para. 1].

In addition to fines and imprisonment, German law also provides for both the confiscation and forfeiture of the proceeds of crime. Both measures may be imposed regardless of whether there has been a conviction. Furthermore, both proceeds of crime and instrumentalities of crime are subject to confiscation. [Group of States Against Corruption, Second Evaluation Report on Germany, adopted by GRECO at its 24th Plenary Meeting on 27 June – 1 July 2005, Strasbourg, France; see also German Criminal Code, Sections 73 and 74] According to the GRECO Second Evaluation Report on Germany, both avenues of seizing the proceeds of crime are regularly pursued.

Convictions in the News

Siemens A.G. reached a settlement with German prosecutors in the case involving corrupt overseas payments by its telecom unit. The agreement entails Siemens paying €201 million plus an additional €179 million to the tax authorities because the foreign payments were improperly deducted as ordinary business expenses. The allegations were that Siemens employees used slush funds to bribe clients for orders. In May, a German Court ordered Siemens to pay €38 million in a separate case in which two former managers were found guilty of bribery and breach of fiduciary duties. ["Siemens Pays EU201 Million Fine in Corruption Probe," Karin Matussek and Kenneth Wong, Bloomberg, 5 October 2007]

III. HUNGARY

Sentencing Overview

The Hungarian Criminal Code defines 2 types of bribery: public bribery and economic bribery (private sector bribery). In addition, both types of bribery can be either active or passive depending on whether the defendant is accused of giving or accepting a bribe and whether he/she promises or asks for the bribe. There also exists a difference in the code between domestic and international bribery. If the specific crime of corruption is classified as a felony and is public bribery, it is punishable by 1-5 years imprisonment, unless the crime is committed by a public official, in which case the term of imprisonment is between 2-8 years. If the crime is a breach of official duty or an abuse of an official position held by the defendant, the sentence can be between 2-8 years or 5-10 years in prison depending on the circumstances behind the allegation. [Article 250, Hungarian Criminal Code]

Economic bribery is punishable by imprisonment of up to 2 years for a misdemeanor or 1-5 years for a felony. If the act constitutes a breach of official duty, the sentence imposed ranges from 2-8 years imprisonment or 5-10 years in prison in the instance of conspiracy or a pattern of criminal profiteering. [Articles 251 and 252, Hungarian Criminal Code]

In addition to the terms of imprisonment that can be imposed on a person convicted of a crime of corruption, confiscation is also available and even considered as a mandatory measure. [Article 77/B, Hungarian Criminal Code] The code provides for the confiscation of proceeds of crime, whether primary (financial

gain) or secondary (assets which replaced the assets from the criminal offense) and the value of the assets may be confiscated in the event the proceeds of crime are no longer available or identifiable. [Article 77/C, Hungarian Criminal Code]
[See also Group of States Against Corruption, First Evaluation Report on the Hungary adopted by GRECO at its 13th Plenary Meeting on 24-18 March 2003, Strasbourg, France and Group of States Against Corruption, Second Evaluation Report on Hungary adopted by GRECO at its 27th Plenary Meeting on 6-10 March 2006, Strasbourg, France]

IV. IRELAND

Sentencing Overview

In general, sentencing in Ireland is left to the discretion of the judiciary subject to the maximum penalties set forth in statute by the Legislature of Ireland. However, through case law, general principles of sentencing have been developed:³

1. A sentence should be proportionate to the gravity of the offence and the personal circumstances of the offender (*The People (D.P.P.) v M*, 1994).
2. A guilty plea should ordinarily attract a reduction in sentence (*The People (D.P.P.) v G*, 1994).

Other sentencing principles established by statute are that:⁴

1. Any sentences for offences committed while on bail must be ordered to run consecutively to each other or to any previous sentence, provided that where the sentences are imposed by the District Court the aggregate term of imprisonment must not exceed 2 years (Criminal Justice Act, 1984).
2. Where a court imposes consecutive sentences for an offence committed while on bail it may consider the fact that the offence was committed while on bail as an aggravating factor justifying the imposition of a greater sentence than might otherwise have been imposed (Bail Act, 1997).

In 1996, the Law Reform Commission recommended that:

"... the legislature set out, by way of statute, a clear statement that the sentence to be imposed on an offender be determined by

³ From Sentencing Guidelines Around the World, Diane Machin, Principal Researcher, The Sentencing Commission for Scotland, May 2005.

⁴ Id.

reference to the 'just desserts' principle of retribution, whereby the severity of the sentence should be measured in proportion to the seriousness of the offending behavior and seriousness should be measured by reference to the harm caused or risked by the offender in committing the offence and the culpability of the offender. It also recommended that the sentence should not address the issue of deterrence of the offender or others from committing further crime, to the incapacitation of the offender from committing further crime or, where a sentence of imprisonment is warranted, to the rehabilitation of the offender when determining the severity of the sentence to be imposed."

[Sentencing Guidelines Around the World, Diane Machin, Principal Researcher, The Sentencing Commission for Scotland, May 2005]

According to the Group of States Against Corruption, First Evaluation Report on Ireland (adopted by GRECO at its 7th Plenary Meeting on 17-20 December 2001, Strasbourg, France), corruption provisions are set out in Ireland in 4 different pieces of legislation: the Public Bodies Corrupt Practices Act of 1889, the Prevention of Corruption Acts of 1906, the Prevention of Corrupt Practices Act of 1916, and the Ethics in Public Office Act of 1995. The Prevention of Corruption (Amendment) Act of 2001 updated all the Irish legislation on corruption.

These pieces of legislation define corruption in the context of various criminal acts. For the offense of bribery, the fine can be up to €1270 and/or imprisonment for up to 12 months in the case of a summary conviction. For convictions on indictment, the fine can be unlimited and/or imprisonment for up to 10 years. Money Laundering carries a possible sentence of an unlimited fine and/or 14 years imprisonment for a conviction following indictment and a maximum of 12 months' imprisonment and/or a fine for a summary conviction (lesser offense). [GRECO, First Evaluation Report on Ireland]

In addition to fines and imprisonment, Irish law allows for the criminal confiscation of proceeds of crime when there is a conviction, and a civil forfeiture of the proceeds of crime where a conviction is lacking. The burden of proof for determining whether a person benefited from the crime is *on the*

balance of probabilities rather than the *beyond reasonable doubt* standard required for the actual conviction. [Group of States Against Corruption, Second Evaluation Report on Ireland, adopted by GRECO at its 26th Plenary Meeting on 5-9 December 2005, Strasbourg, France]

V. UNITED KINGDOM

Sentencing Overview

Both British common law (the unwritten law based on legal precedents) and statutory law (the written legislative law set out by parliament) address crimes of corruption. Common laws contain offenses involving the bribery of public officials while 3 different criminal statutes contain provisions on corruption: the Public Bodies Corrupt Practices Act of 1889, the Prevention of Corruption Act of 1906, and the Prevention of Corruption Act of 1916. The maximum penalty for corruption offenses is 7 years in prison. [See Group of States Against Corruption, First Evaluation Report on the United Kingdom adopted by GRECO at its 6th Plenary Meeting on 10 – 14 September 2001, Strasbourg, France]

In addition to a possible sentence of 7 years in prison, confiscation is also available when the defendant has been convicted of an offense which resulted in financial gain or benefit. Generally, a decision to confiscate is reflected in an order to pay the sum of money equal to the value of the benefit from the crime. Specific proceeds are not covered. The courts also have the power to order the taking of anything that was used in the commission of the offense (i.e., instrumentalities). [See Group of States Against Corruption, Second Evaluation Report on the United Kingdom adopted by GRECO at its 20th Plenary Meeting on 27-30 September 2004, Strasbourg, France]

VI. UNITED STATES

Sentencing Overview

While each individual State has their own sentencing rules and guidelines, federal sentencing guidelines are developed by the United States Sentencing Commission (USSC) which is an independent agency within the Judicial Branch of the federal government. The Commission adheres to the general principle that when a punishment is proportionate to the crime committed, it has the added effect of

controlling crime through deterrence. [Sentencing Guidelines Around the World, Diane Machin, Principal Researcher, The Sentencing Commission for Scotland, May 2005]

The United States Code states that sentencing in federal courts has the purpose to:

- (A) Reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense
- (B) Afford adequate deterrence to criminal conduct;
- (C) Protect the public from further crimes of the defendant; and
- (D) Provide the defendant with needed educational or vocational training, medical care or other correctional treatment in the most effective manner.

[28 U.S.C. § 991(b)(1)]

As reported in the First Evaluation Round, Evaluation Report on the United States of America, and adopted by GRECO at its 17th Plenary Meeting in Strasbourg, France, on 22-25 March 2004, the Foreign Corrupt Practices Act (FCPA – 15 U.S.C. § 78dd-1 *et seq*) of 1977 applies to U.S. citizens and companies regardless of whether they operate in the U.S. or abroad, as well as to foreign nationals and companies when the alleged criminal conduct occurs within the jurisdiction of the United States. For criminal cases, violation of the FCPA may result in a sentence of a fine up to \$2,000,000 (for a legal person) or \$100,000 and up to 5 years in prison for a natural person. It is important to note, however, that the actual fines may be even greater due to an alternative fines provision of the U.S. Code which provides for fines of up to \$250,000 for an individual, \$500,000 for an organization, or twice the gross monetary gain for the defendant or loss to the victim. [18 U.S.C. § 3571]

A possible sentence for a conviction of money laundering includes up to 20 years in prison and a \$500,000 fine. [Money Laundering Act of 1986, 18 U.S.C. § 1956 and 1957] However, the basic provisions on corruption are found in 18 U.S.C. § 201 and subsequent chapters which address corruption of government employees and elected or appointed officials. Depending upon the severity of the crime and the position of the offender, sentencing can amount to a fine and/or imprisonment of up to 1 year (or for willful conduct, up to 5 years).

In addition, as discussed in the Group of States Against Corruption, Second Evaluation Report of the United States of America (adopted by GRECO at its 30th

Plenary Meeting on 9-13 October 2006, Strasbourg, France), the use of asset forfeiture is given a high priority. Depriving criminals of proceeds or assets from crimes of corruption may be done in both criminal (conviction based, *in personam*) and civil proceedings (*in rem*).

Convictions in the News

1. The Governor of the State of Illinois, George Ryan, was convicted in April 2006 of fraud, conspiracy, and other charges and was sentenced to 6 ½ years in prison. Among the allegations, Ryan was shown to have pressured employees for campaign contributions (employees who then turned to taking bribes from citizens in order to come up with the money). Ryan also steered millions of dollars in state leases and contracts to political insiders who, in turn, gave him gifts such as vacations and unjustified loans to family members. ["Ill. Governor to Report to Prison", Christopher Wills, Associated Press, 6 November 2007]
2. Former Alaska State Representative, Tom Anderson, was recently convicted of 7 felonies involving corruption in public office and sentenced to 5 years in prison with an additional 2 years of supervision upon release. No fine was ordered. Anderson was convicted of 3 counts of money laundering, 2 counts of extortion, 1 count of bribery, and 1 count of conspiracy. The evidence showed that he received nearly \$26,000 from a private prison company in exchange for pushing their interests. The federal judge sentencing him said that Anderson, "sold the public trust" while in office. The maximum sentence under the advisory sentence guidelines was more than 8 years in prison. ["Ex-legislator Anderson Sentenced to 5 Years", Lisa Demer, Anchorage Daily News, 16 October 2007]
3. Former Connecticut Governor John Rowland was sentenced to 12 months in prison plus fines for his conviction of conspiracy. One of his former aides, Peter Ellef, and a prominent contractor, William Tomasso, were each sentenced to 2 ½ years in prison, 3 years' of probation and \$15,000 in fines for bid-rigging on a single contract. The evidence showed that Tomasso had paid Ellef over \$200,000 in cash, meals, vacations, and other gifts in exchange for being awarded a \$57 million state building contract. ["Sufficient Sentences for Corruption?" Editorial, Stamford Advocate, 28 April 2006]

4. Lance Malone, a former Clark County Nevada Commissioner was sentenced to prison for 6 years and levied a \$100,000 fine for his role in orchestrating “the rankest corruption of local government” in state history (as stated by the federal judge during sentencing). The evidence showed that between 2001 and 2003, Malone paid cash bribes to two former colleagues in exchange for their votes in favor of a friend’s business interests. The colleagues were both convicted and sentenced to 50 months and 30 months in prison, respectively. Malone’s sentence will run concurrently with a 3 year sentence he received for a similar conviction in the State of California in 2005. The federal judge stated: “If there ever needs to be a message on political corruption, it is this case that outlines all the reasons and need to create deterrence to public officials and would-be public officials.” The U.S. Attorney’s office has filed motions to seize the proceeds from the scandal and was allowed 2 weeks by the judge to determine how much should be sought in a separate forfeiture hearing. [“Political Corruption Sentence: Six Years in Prison for Malone”, Adrienne Packer, [Las Vegas Review-Journal](#), 15 February 2007]

CONCLUSION

As evidenced by the sentencing overviews provided above, while all countries are affected by acts of corruption, the ways in which they work to combat it are varied in their details. It does seem, however, that there exists some consistency in the basic principles of sentencing on crimes of corruption and, most important, in the societal message to be sent through the punishment of such offenders. Further, the most relevant and most powerful messages to be sent are that persons or entities must be punished in a Court of Law, not in the media or in the court of public opinion; and that strong, proportionate, and clear punishments handed down by a fair and respected Judiciary are the key to effectively reducing and, hopefully, eliminating corruption. The authors hope that this overview is helpful as a reference for Romanian judges when dealing with trials of corruption crimes.