

Case study of criminal corruption matter of the offender, Ing. Ladislav Gál

On 28 February 2006, in the main proceedings, the Senate of the Pezinok Special Court, Banská Bystrica branch, declared a sentence in the name of the Slovak Republic, doc. BB-3 Tš 8/2005, by which the Court had decided that the Defendant

Ing. Ladislav Gál, born 13.12.1953

is guilty of

in point 1)

that on 9 May 2005, at 14.45hrs, in Trnava, in the function of Head of the Regional Land Office in Trnava, the Defendant requested from Miroslav Sýkora, via an unnamed intermediary, an inducement in the amount of 10,-Sk per m² of land with an area of 265.903m², in the sum of 2,659.030,-Sk in return for issuing a decision under his authority, in accordance with the provisions of § 5 Art. 4 item h) of law number 330/1990 coll., in the wording of further regulations, regarding the proposal for non-agricultural use of agricultural land as a base for a further decision, to change the type of land use from agricultural to building for the planned construction of an industrial park in the cadastre of the village of Šoporňa and then, on 27 May 2005 at 15.35hr, in the area of the company S-Real Holding s.r.o., seated in Šaľa, Pázmáňa Street 51/19, after the preliminary request, received an inducement of 1,500,000,-SKK from Miroslav Sýkora,

in point 2)

that on 27 May 2005, at 15.00hrs, in front of the Tax Office building in Šaľa, from his position as the Head of the Regional Land Office in Trnava, in relation to a decision regarding change of the area plan of the village of Šoporňa which is necessary for the decision of the District Land Office in Galanta as a base for a further decision for the change of land use from agricultural to building, for the planned building of an industrial park in the cadastre of the village of Šoporňa for the company S-Real Holding s.r.o., seated in Šaľa, as an intermediary, offered an inducement of 300,000,-SKK to Stanislav Kiš, Mayor of Šoporňa in the following way: “you know, I have an offer, let’s go further, do you have your mobile switched off because they can tap us, you know I have this offer from the guy from that company, for which you should issue the decision, that he will give us 300,000,-SKK each if there aren’t any problems with that matter.”

by which he committed :

in point 1)

the criminal act of receiving an inducement and another inappropriate benefit in accordance with § 160a Art. 1, Art. 2 Criminal Code,

in point 2)

the criminal act of bribery in accordance with § 161a Art. 1, Art. 2 Criminal Code,

and for that he was sentenced,

in accordance with § 160a Art. 2 of Criminal Law No. 140/1961 Coll., effective to 31. 12. 2005 (further only Criminal Law) using § 35 Art. 2 of Criminal Law, to imprisonment for the sum of 7 (seven) years.

In accordance with § 39a Art. 2 item a) of Criminal Law, the Court classified the Defendant to be imprisoned in the 1st Corrective Category.

In accordance with § 53 Art. 1 of Criminal Law, the Court also orders the Defendant to pay a financial penalty in the amount of 150.000,- SKK (one hundred and fifty thousand).

In accordance with § 54 Art. 3 of Criminal Law, if performance of this sentence would be deliberately thwarted, the Court issued an alternative imprisonment of 1 (one) year.

The procurator appealed against this sentence and financial penalty, and requested a financial penalty in the amount of 1.5million SKK and the **Defendant**, Ing. Ladislav Gál, also appealed and requested annulment of the sentence issued by the Court of 1st Grade.

The Supreme Court of the Slovak Republic, in public proceedings on 13 December 2006, by provision of doc. 1 Toš 23/2006, rejected the appeal of the procurator and the **Defendant** Ing. Ladislav Gál. As a consequence of this decision, the sentence of the Special Court became valid and executable.

The mentioned case is interesting and suitable for generalisation as a case study due to several aspects:

- 1) Offender
- 2) Committed crime
- 3) Tactics of the argument
- 4) Methods of the argument
- 5) Court decision
- 6) Cooperation with the media
- 7) General prevention

1) **Offender** – the person sentenced in 2006 was a university educated, 53 year old male with a permanent address in Galanta, Slovak Republic, married, well financially situated, performing the function of Head of Regional Land Office in Trnava, into which he was nominated by the Government of the Slovak Republic as a member of the political party of the governing coalition.

2) **Committed crime** – both committed crimes are classified into the third section - corruption, third head - crimes against public order of Criminal Law effective to 31.12.2005. The offender committed the criminal act of receiving an inducement and another inappropriate benefit in relation to a tender of general interest, which means the deciding role of a state body, and he acted in the position of a public person as he was the Director of the Regional Land Office. The same is valid for the criminal act of bribery, also in relation to a tender of general interest, which means the deciding role of an authority of the local municipality - mayor; he offered an inducement and the bribed person was a public person - village mayor, from whom he requested a favourable decision which would be issued under his authority.

3) **Tactics of the argument** – corruption of a state officer was discovered via an announcement of the entrepreneur, from whom the offender, via an unknown intermediary, requested a financial inducement for issuing a favourable decision related to his authority and competence. After issuing a complaint, an undercover police operation commenced, in which police operatives, investigator, procurator and judge for the preparation of proceedings were involved, and within this action unchangeable and stable evidence was obtained, documenting the criminal activity of the offender. After capture of the offender whilst receiving an inducement in the sum of 1.5mSKK, a proposal for imprisonment of the offender was prepared and the judge made a decision regarding his imprisonment, the duration of which included the entire time of preparation of proceedings - investigation. At the same time, at the decision of the government of the Slovak Republic, he was withdrawn from the function of Director of the Regional Land Office in Trnava. An interesting fact was that the offender relied on his influence upon his subordinate District Land Office in Galanta, the Director of which was further convicted of corruption and on his influence upon the mayor of the village who, to his great surprise, cooperated with the police and provided explicit evidence that the Head of the Regional Land Office had committed the crime.

4) **Method of the argument** - The person reporting the criminal act - agent Miroslav Sýkora – private entrepreneur, agreed that he would be established as an agent and the judge issued an order to use an agent. At the same time, the judge issued an order for monitoring and recording telecommunication activities - the mobile telephone used by Miroslav Sýkora. The judge also issued an order for preparation of voice records from the meetings between Miroslav Sýkora and the person performing the criminal act, and from the use of these information-technical means, the voice records and written copies of the voice records were prepared. The money which the agent used during handover of the inducement was previously documented using the serial numbers of the banknotes; this money was borrowed from the account of the Ministry of the Interior of the Slovak Republic and the return of the banknotes was photographically documented.

Proving the crime was focused upon the fact that it would be explicitly documented that the offender showed the initiative in requesting an inducement and that all of the acts of proving the crime would be performed undercover, to avoid any leakage of information. During controlled conversation between the offender and the agent, the offender showed the initiative in requesting an inducement and also stated his will that he would agree with an even lower sum, as was initially requested, and showed the initiative in disguising the significance of the received money by preparing a document stating that this money was an instalment for the family house which was to be sold.

Despite the fact that the agent was not a police operative, he excellently performed his role with the assistance of the police and he did not let himself become frustrated by the insulting questioning by the Defence lawyers during the main proceedings. He performed without notes and agreed that his personal data could be made public.

5) Court decision - the Special Court, part of the General Court System of the Slovak Republic, issued the sentence of imprisonment in record time, i.e. within eight months from the crime being committed. Punishment by removal of liberty which arose from two deliberate criminal acts and two deeds required the use of so-called asperity principle in accordance with § 35 Art. 2 of Criminal Law effective to 31.12.2005 and as a consequence of this, the upper level of sentencing by imprisonment for the criminal act was increased by one third and the Court issued a punishment in the upper half of the determined level for removal of liberty. In the history of the Court system of the Slovak Republic, such an issued sentence, with a duration of seven years, is the most harsh punishment for corruption, together with the financial penalty of 150,000,-SKK or an alternative sentence of one year. The fact that the Supreme Court of the Slovak Republic rejected the appeals of both parties confirmed the decision of the Special Court and, at the same time, confirmed the correctness of the methods of argument and the decisions.

6) Cooperation with the media – By capturing the offender in the act of carrying out the crime, the undercover police operation finished and the information regarding the committed crime was released to the media. Since the offender was quite a prominent person in relation to his profession and political activities, there was interest by the media in publishing details of this case, mainly publishing the details of the Court proceedings. At the beginning, there was mistrust by the media and society as they expected that the offender would not be sentenced. However, after issuing the sentence, the idea of a definite rejection of corruption in society was presented, as well as definite support for specialised units in Slovakia which fight against corruption. The police, procurator and Court provided all the information about the case in such a way that the proceedings were not affected, that the future decision of the Court was not prejudiced and not to reveal special methods of argument used by the police.

7) General prevention - By successful implementation and conclusion of this case, the trust by society in the police, special procurator and Special Court increased, showing that there are institutions which are able to solve this type of crime. The reaction to this was that the citizens started to come forward with more

reports of various acts of corruption in society and demanded cooperation with the police for proving these. Since the abovementioned time, the culture for refusal of corruption is generally supported and Slovakia has started a successful journey in the fight against corruption.