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Ottawa man handed three-year sentence in landmark bribery case

By Kim Mackrael

Nazir Karigar was found guilty last fall for his role in a plan to bribe Indian officials

An Ottawa judge has sentenced a former high-tech executive to three years in prison, the first prison term doled out to an individual convicted under Canadian anti-bribery laws.

Nazir Karigar was found guilty last fall for his role in a plan to bribe Indian officials, including a government minister. The Ottawa businessman was attempting to secure a contract to provide security technology for state-owned Air India.

Justice Charles Hackland of the Ontario Superior Court said Mr. Karigar participated in a sophisticated scheme intended to involve high-level officials.

The judge said Mr. Karigar's co-operation, his age and the fact that the scheme was unsuccessful were all mitigating factors that he took into account in his sentencing, but added that it was also important to enforce the principles of denunciation and deterrence.

Prosecutors had asked for a four-year prison term, saying the sentence would help dissuade others from possible attempts to bribe foreign officials in the future.

Mr. Karigar's lawyers argued for a reformatory sentence, which they said could be served in the community. They said the case had already damaged Mr. Karigar's reputation significantly, negatively impacting his employment prospects and his family.

Mr. Karigar approached the Ottawa office of CryptoMetrics in 2005 with an offer to help obtain a contract to supply Air India with a security system. He was later made executive director of the company's Indian subsidiary.

Prosecutors could not demonstrate during the trial that any of the money had, in fact, changed hands, and CryptoMetrics was not ultimately awarded the contract. However, Justice Hackland ruled that there was enough evidence to show that Mr. Karigar and others at CryptoMetrics intended to make the payments.

Mr. Karigar is the first individual who has been convicted under Canada's Corruption of Foreign Public Officials Act and his sentence sets a precedent for future cases.

Three companies have been convicted under the Act during the past decade. All pleaded guilty and paid a fine, so there was no trial in those cases.

At the time Mr. Karigar was convicted, the maximum sentence under Canada's foreign bribery law was five years. It was later increased to 14 years, but the new sentencing range could not be applied retroactively to Mr. Karigar's case.

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