

Siemens AG (Nigeria Settlement)

Case ID:

ARW-174

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Germany

Jurisdiction of Asset Recovery:

Nigeria

Jurisdiction of Asset Recovery ? Description:

Undertaking Recovery Effort, Location of Recovery Effort

Asset Recovery Start:

2010

Asset Recovery End:

2010

UNCAC Offenses Implicated:

Art.16

Money laundering Implicated:

No

Legal Basis for Asset Recovery:

Criminal Prosecution and Fine and Restitution

Basis for Intl Cooperation:

N/A

Contributing Factors in Asset Recovery:

Settlement Agreement (Source: Siemens, "Legal Proceedings," May 4, 2011; The 2010 Ministerial Media Briefing on the Activities of the Federal Ministry of Justice by Mr. Mohammed Bello Adoke, SAN, Honourable Attorney-General of the Federation and Minister of Justice, also noted the Halliburton settlement. (22 December 2010).

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Assets Returned to Victim or Requesting Jurisdiction

Agreement for Returned Assets:

No

Agreement for Returned Assets - Description:

N/A

Case Summary:

According to the May 4, 2011 Siemens Company Statement on Legal Proceedings against it around the world, "As previously reported, the Nigerian Economic and Financial Crimes Commission (EFCC) was conducting an investigation into alleged illegal payments by Siemens to Nigerian public officials between 2002 and 2005. In October 2010, the EFCC filed charges with the Federal High Court in Abuja and the High Court of the Federal Capital Territory against ? among others ? Siemens Ltd. Nigeria (Siemens Nigeria), Siemens AG and former board members of Siemens Nigeria. On November 22, 2010, the Nigerian Government and Siemens Nigeria entered into an out of court settlement, obligating Siemens Nigeria to make a payment in the mid double-digit Euro million range to Nigeria in exchange for the Nigerian Government withdrawing these criminal charges and refraining from the initiation of

any criminal, civil or other actions ? such as a debarment ? against Siemens Nigeria, Siemens AG, and Siemens employees." (Source: Siemens, "Legal Proceedings," May 4, 2011.) The 2010 Ministerial Media Briefing on the Activities of the Federal Ministry of Justice by Mr. Mohammed Bello Adoke, SAN, Honourable Attorney-General of the Federation and Minister of Justice, also noted the Halliburton settlement. (22 December 2010). For background on the US Foreign Corrupt Practices Act case and settlement with Siemens A.G., please see US v. Siemens A.G., Case No. 08-cr-367-RJL (D.D.C.), Plea Agreement and Statement of Offense, both filed December 15, 2008. Please note that the settlement agreement with the Nigerian government is confidential and not publicly available.

Disposition of Criminal Case(s):

According to the May 4, 2011 Siemens Company Statement on Legal Proceedings against it around the world, the criminal charges filed against it by the Nigerian Economic and Financial Crimes Commission (EFCC) was dismissed in November 2010, pursuant to a settlement agreement between Siemens and the Nigerian authorities. (Source: Siemens, "Legal Proceedings," May 4, 2011.)

Jurisdiction of Origin: Investigative Agency:

Munich Public Prosecutor's Office

Jurisdiction of Asset Recovery: Investigative Agency:

Economic and Financial Crimes Commission

Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):

Economic and Financial Crimes Commission

Jurisdiction of Asset Recovery: Courts Involved:

High Court - Abuja, High Court of the Federal Capital Territory

Documents:

Fcpablog_Aug_4_2011_SERAP_Petition_to_EFCC.PDF

Siemens_Company_Statement_Legal_Proceedings_Worldwide_May_4_2011.PDF

Siemens_US_DOJ_Plea_Agreement_Dec_15_2008.PDF

Siemens_US_DOJ_Statement_of_Offense_December_15_2008.pdf

Documents:

Attachment	Size
 Fcpablog.com_Aug_4_2011_SERAP_Petition_to_EFCC.pdf	207.81 KB
 Siemens_Company_Statement_Legal_Proceedings_Worldwide_May_4_2011.pdf	84.4 KB
 Siemens_US_DOJ_Plea_Agreement_Dec_15_2008.pdf	507.87 KB
 Siemens_US_DOJ_Statement_of_Offense_December_15_2008.pdf	1.57 MB

Other Sources:

The 2010 Ministerial Media Briefing on the Activities of the Federal Ministry of Justice by Mr. Mohammed Bello Adoke, SAN, Honourable Attorney-General of the Federation and Minister of Justice, also noted the Halliburton settlement. (22 December 2010).

Marcus Cohen, David Elesinmogun & Obumneme Egwuatu, "Will Nigeria Take Another Bite?," FCPA Blog, August 4, 2011, accessed at <http://www.fcpablog.com/blog/tag/shell>;

Siemens, "Legal Proceedings," May 4, 2011, accessed at
<http://www.siemens.com/press/pool/de/events/2011/corporate/2011-q2/2011-...>

US v. Siemens A.G., Case No. 08-cr-367-RJL (D.D.C.), Plea Agreement and Statement of
Offense, both filed December 15, 2008, accessed at
[http://www.justice.gov/criminal/fraud/fcpa/cases/siemens-aktiengesellsch....](http://www.justice.gov/criminal/fraud/fcpa/cases/siemens-aktiengesellsch...)