

## Japan Settlement / Defendant "B"

**Case ID:**

ST-238

**Case Cluster :**

Japan Settlement

**Jurisdiction of Settlement:**

Japan

**Jurisdiction of Settlement / Enforcement Agency:**

Unspecified

**Jurisdiction of Foreign Public Official(s) :**

Unspecified

**Year of Settlement:**

2007

**Month/Day of Settlement (or Notes):**

Month and Day unspecified

**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 Fine

**Total Monetary Sanctions (US\$):**

\$2,600.00

**Criminal Fine/Penalty (US\$) :**

\$2,600

**Monetary Sanctions Returned / Ordered Returned (Explanation):**

Unspecified

**UNCAC Articles(s) Implicated:**

Art.16

**OECD Anti-Bribery Convention Articles Implicated:**

Art. 1

**Offenses - Alleged:**

Bribery of Foreign Officials

**Offenses - Settled:**

Bribery of Foreign Officials

**Public Procurement Contract / SOE Involved?:**

Yes

**Summary:**

According to the OECD December 2011 Phase 3 Report of Japan, the case "involved the bribery of two foreign government officials by Defendant 'A,' a senior executive of a foreign subsidiary of a Japanese company, and Defendant 'B,' an employee of the same foreign

subsidiary, in order to obtain favourable treatment in a foreign public procurement contracting process. The bribes, which were in the form of material gifts, were approximately JPY 800 000 (USD 10 400). [footnote: The conversion of Japanese Yen (JPY) into US dollars (USD) throughout this report is based on the exchange rate on 14 September 2011.] The company did not win the contract, the value of which is not specified. Defendant 'A,' a Japanese national, was convicted and fined JPY 500 000 (USD 6 500). Defendant 'B,' also a Japanese national, was convicted and fined JPY 200 000 (USD 2 600). The defendants admitted guilt and were convicted on summary trial. The facts that gave rise to to the case took place in 2004, and the convictions were obtained in 2007." (Source: Organisation for Economic Co-Operation and Development, "Phase 3 Report on Implementing the OECD Anti-Bribery Convention in Japan," December 2011, at 9.)

**Sources :**

Organisation for Economic Co-Operation and Development, "Phase 3 Report on Implementing the OECD Anti-Bribery Convention in Japan," December 2011, accessed at <http://www.oecd.org/dataoecd/59/51/49377330.pdf> <http://www.oecd.org/daf/anti-bribery/anti-briberyconvention/Japanphase3reportEN.pdf>