

## Japan Settlement / Defendant "A"

**Case ID:**

ST-239

**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\$):**

\$6,500.00

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

\$6,500

**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 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>