

## Lesotho Highlands Water Project / Jacobus Michiel Du Plooy

**Case ID:**

ST-256

**Case Cluster :**

Lesotho Highlands Water Project

**Jurisdiction of Settlement:**

Lesotho

**Jurisdiction of Settlement / Enforcement Agency:**

Director of Public Prosecutions

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

Lesotho

**Year of Settlement:**

2003

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

10/17

**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\$):**

\$62,266.50

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

\$62,266.50

**Monetary Sanctions Returned / Ordered Returned (US\$):**

\$62,266.50

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

Enforcement by "Affected" Jurisdiction

**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 decision by the Lesotho High Court, Mr. DuPlooy, an intermediary for the Impreglio company, pleaded guilty to foreign bribery charges and was fined R500,000 in addition to receiving a prison term. (Source: R v. Du Plooy, High Court of Lesotho, CRI/T/11/1999.) According to a presentation to the US Senate Foreign Relations Committee by Guido Penzhorn, SC, lead prosecutor in the Lesotho Highlands Water Projects case, "In June 2003 one Du Plooy, the intermediary who acted on behalf of Impregilo of Italy, the lead partner of the consortium that built the main dam, pleaded guilty to bribing Mr Sole on behalf of Impregilo. In exchange for co-operation with the prosecution he was fined R500 000, coupled to a lengthy period of imprisonment which was conditionally suspended." (Source: Guido Penzhorn SC, Comments on the Current Lesotho Bribery Prosecutions, Presentation before the [U.S.] Senate Foreign Relations Committee, July 24, 2004.) Please note that June 1, 2003 was used as the date of currency conversion.

**Sources :**

R v. DuPlooy, High Court of Lesotho (CRI/T/111/1999), October 17, 2003 sentencing date, accessed at <http://www.lesotholii.org/ls/judgment/high-court/2003/122>; Guido Penzhorn SC, Comments on the Current Lesotho Bribery Prosecutions, Presentation before the [U.S.] Senate Foreign Relations Committee, July 24, 2004, accessed at <http://www.odiousdebts.org/odiousdebts/publications/SenatePaperJuly04.pdf>. See also, LL Thesane and GH Penzhorn SC, "Case Study: the lesotho bribery prosecutions," presented at the Conference on the Protection and Optimization of Public Funds, the Cooperation between National and International Authorities, 14-16 May 2007, accessed at [http://www1.worldbank.org/finance/star\\_site/documents/arw/Lesotho\\_Highlands\\_EU\\_Anti\\_Fraud\\_Case](http://www1.worldbank.org/finance/star_site/documents/arw/Lesotho_Highlands_EU_Anti_Fraud_Case)