

## Lesotho Highlands Water Project / Schneider Electric S.A.

**Case ID:**

ST-257

**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:**

2004

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

02/25

**Other Jurisdictions of Settlement:**

Unknown

**Settlement with Individual or Legal Person?:**

Legal Person

**Type of Settlement:**

Criminal

**Legal Form of Settlement:**

Guilty Plea

**Monetary Sanctions (Types):**

Criminal Fine

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

\$1,504,530.00

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

\$1,504,530

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

\$1,504,530

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

Enforcement by "Affected" Jurisdiction

**UNCAC Articles(s) Implicated:**

Art.16

Art.26

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

Art. 1, Art. 2

**Offenses - Alleged:**

Bribery of Foreign Officials

**Offenses - Settled:**

Bribery of Foreign Officials

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

Yes

**Summary:**

According to a presentation to the US Senate Foreign Relations Committee by Guido Penzhorn, SC, lead prosecutor in the Lesotho Highlands Water Projects case, "On 25 February 2004 Schneider Electric SA (formerly Spie Batignolles), the multi-national French construction company involved in building the transfer tunnels, pleaded guilty to 16 counts of bribing Mr Sole. A fine of R10million was agreed with the prosecution and was paid." (Source: Guido Penzhorn SC, Comments on the Current Lesotho Bribery Prosecutions, Presentation before the [U.S.] Senate Foreign Relations Committee, July 24, 2004.)

**Sources :**

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). See also, Schneider Electric SA v. Director of Public Prosecutions (CRI/APN/751/2003), accessed at <http://www.lesotholii.org/ls/judgment/high-court/2003/150>.