

MacMillan Publishers Limited

Case ID:

ST-264

Case Cluster :

Macmillan Publishers Limited

Jurisdiction of Settlement:

United Kingdom

Jurisdiction of Settlement / Enforcement Agency:

Serious Fraud Office

Jurisdiction of Foreign Public Official(s) :

Zambia, Rwanda, Uganda

Year of Settlement:

2010

Month/Day of Settlement (or Notes):

07/22

Other Jurisdictions of Settlement:

World Bank

Settlement with Individual or Legal Person?:

Legal Person

Type of Settlement:

Administrative

Legal Form of Settlement:

Civil Recovery Order (Proceeds of Crime Act)

Monetary Sanctions (Types):

Civil Recovery Order, Legal Costs

Total Monetary Sanctions (US\$):

\$18,298,658.80

Criminal Fine/Penalty (US\$) :

\$0

Civil Disgorgement of Profits (US\$) :

\$18,254,901

Civil Prejudgment Interest (US\$) :

\$0

Civil Fine / Penalty (US\$):

\$0

Other Civil Monetary Sanctions (US\$):

\$43

758

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

\$0

UNCAC Articles(s) Implicated:

Art.16

Art.26

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 2

Offenses - Alleged:

Sums derived from unlawful conduct

Offenses - Settled:

Sums derived from unlawful conduct

Public Procurement Contract / SOE Involved?:

Yes

Summary:

According to a UK Serious Fraud Office press release, on July 22, 2011, the SFO obtained a Civil Recovery Order through the High Court in which Macmillan Publishers Limited will pay GBP 11,263,852.28 and also pay the SFO costs of pursuing the order which amount to GBP 27,000 (US\$ 43,757.80). The SFO acted on a referral from the World Bank regarding a World Bank tender to supply educational materials in Southern Sudan. The SFO, in cooperation with the City of London Police and the World Bank selected the three jurisdictions - Rwanda, Uganda and Zambia - in relation to which it would require the company's external lawyers to conduct detailed investigations into all public tender contracts in these three jurisdictions over the period of 2002-2009 whether funded by the World Bank or otherwise. These jurisdictions fell within the business activities of Macmillan's Education Division in East and West Africa. The press release stated that "It was impossible to be sure that the awards of tender to the Company in the three jurisdictions were not accompanied by a corrupt relationship." Richard Alderman, the then-Director of the SFO stated, "Civil recovery allows us to deal with certain cases of corporate wrong-doing effectively. It delivers value for money to the public by saving the cost of lengthy investigations and protracted legal proceedings and removes any property obtained as a result of wrong-doing. At the same time it forces the company to reform its practices for the future." (Source: UK Serious Fraud Office Press Release, "Action on Macmillan Publishers Limited," July 22, 2011, accessed at <http://www.sfo.gov.uk/press-room/latest-press-releases/press-releases-2011/action-on-macmillan-publishers-limited.aspx>.)

Sources :

UK Serious Fraud Office Press Release, "Action on Macmillan Publishers Limited," July 22, 2011, accessed at <http://www.sfo.gov.uk/press-room/latest-press-releases/press-releases-2011/action-on-macmillan-publishers-limited.aspx>; MacMillan Press Release, "MacMillan Publishers Ltd concludes co-operative process with SFO," July 22, 2011, accessed at <http://international.macmillan.com/MediaArticle.aspx?id=3046&SearchURL=http:--slh----slh--international.macmillan.com--slh--MediaCentreResults.aspx--Qst--Page=1--amp--SearchString=world%20bank>; United Kingdom Report to the OECD, "Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Information as of 16 August 2011), accessed at <http://www.oecd.org/dataoecd/17/30/48362318.pdf>