

Switzerland / UN Oil-for-Food / Case 5 of 11

Case ID:

ST-346

Case Cluster :

Switzerland / UN Oil-for-Food / Case 5 of 11

Jurisdiction of Settlement:

Switzerland

Jurisdiction of Settlement / Enforcement Agency:

Office of the Attorney General

Jurisdiction of Foreign Public Official(s) :

Iraq (UN Oil-for-Food)

Month/Day of Settlement (or Notes):

Unspecified

Other Jurisdictions of Settlement:

Unknown

Settlement with Individual or Legal Person?:

Legal Person

Type of Settlement:

Criminal

Legal Form of Settlement:

Unspecified

Monetary Sanctions (Types):

Confiscation

Total Monetary Sanctions (US\$):

Unknown

Criminal Fine/Penalty (US\$) :

Unknown

Monetary Sanctions Returned / Ordered Returned (Explanation):

Unspecified

UNCAC Articles(s) Implicated:

Art.16

Art.26

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 2

Offenses - Alleged:

Violation of laws implementing sanctions

Offenses - Settled:

Violation of laws implementing sanctions

Public Procurement Contract / SOE Involved?:

Yes

Summary:

According to the December 2011 OECD Phase 3 Report on Switzerland, "Some of the cases also had to be closed for lack of evidence. For example, of the 36 OAG [Office of the Attorney General] investigations relating to the United Nations Oil for Food programme, involving some 30 businesses headquartered in Switzerland, none resulted in a conviction for bribery of

foreign public officials, as the necessary evidence could not be collected because certain countries refused mutual legal assistance (MLA). This does not mean that the companies involved were not punished: in 11 cases, sentences were handed down for violation of laws implementing sanctions. Confiscations totalling CHF 18.8 million (around €11 million) were ordered against the companies involved." (Source: Organisation for Economic Co-Operation and Development, "Phase 3 Report on Implementing the OECD Anti-Bribery Convention in Switzerland," December 2011, at 10.) Please note that as no dates were given for the confiscations, the OECD Report date of December 16, 2011 was used for the purposes of converting the total confiscation sum to US Dollars. Please note that as only one total amount of confiscation was available, it was included in this entry but not for cases 2-11, so as to avoid double counting of amount of confiscation.

Sources :

Organisation for Economic Co-Operation and Development, "Phase 3 Report on Implementing the OECD Anti-Bribery Convention in Switzerland," December 2011, accessed at <http://www.oecd.org/dataoecd/59/53/49377354.pdf>, replace with <http://www.oecd.org/daf/anti-bribery/anti-briberyconvention/Switzerlandphase3reportEN.pdf>