Compensating Victims for the Harm of Overseas Corruption

Discussion Paper

This briefing is intended to provide some background and suggest some issues for discussion for the Roundtable on June 4.th

Introduction

Compensation for those that have suffered most from corruption and victims representation in corruption cases is essential for giving full recognition, both legally and morally, to the fact that corruption causes enormous harm and has real victims.

The United Nations Convention Against Corruption (UNCAC), requires the UK, as a State Party, to ensure the views of victims are considered in criminal proceedings (Article 32); to enable those who have suffered damage from corruption to take legal action to get compensation (Article 35)[1]; to permit its courts to order compensation or damages to another State party harmed by corrupt offences (Article 53 b); and to give "*priority consideration"* to returning confiscated proceeds of corruption to a State that requests it or its legitimate owners or to "*compensating the victims of the crime*" (Article 57 (3c).

The UK has taken a proactive role in pushing the issue of compensation as a means for helping victims of corruption at an international level. The communiqué from the May 2016 London Anti-Corruption Summit recognised that "*compensation payments and financial settlements … can be an important method to support those who have suffered from corruption.*" It committed to working with nine countries on principles for such payments to be made "*safely, fairly and in a transparent manner to the countries affected*." Additionally, the UK helped develop global principles for how stolen assets can be returned to countries in a manner that ensures they will not be lost again to corruption at the December 2017 Global Forum on Asset Recovery – principles which are also relevant to how compensation should be returned (and are attached as Annex 2).[2]

Compensation principles

On 1st June 2017, the UK's Serious Fraud Office/Crown Prosecution Service and National Crime Agency published Compensation Principles.[3] These principles (attached in Annex 1) commit the agencies to:

- Considering compensation in all relevant cases;
- Using whatever legal means to achieve it;

[1] Reviewers in 2013 found the UK broadly compliant with Articles 32 and 35 but queried whether the apparent requirement for a litigant seeking compensation to prove that the person who had committed the corrupt act intended or was aware that damage would result was compatible with the Convention. The UK is currently undergoing a review of the later chapters of the Convention, where compliance with Articles 53 and 57 will be assessed. See:
https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/UK_Final_country_review_report_18.3.2013.pdf

[2] https://star.worldbank.org/sites/star/files/20171206_gfar_communique.pdf

[3] https://www.sfo.gov.uk/2018/06/01/new-joint-principles-published-to-compensate-victims-of-economic-crime-overseas/

- Working cross-government to identify victims, assess the case and obtain evidence for compensation, and identifying a means by which compensation can be repaid in a transparent, accountable and fair way that avoids risk of further corruption;
- Proactively engage where possible with law enforcement in affected states;
- Publish information on concluded cases.

The Principles are a welcome development that should in principle help ensure that prosecutors more routinely apply for compensation orders and bring to the attention of courts their power to impose them. Since December 2012, courts **must** consider making a compensation order[4] where they can. Additionally, under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000[5], courts must:

- give priority to '*payment of compensation over payment of any other financial penalty*;' and
- give reasons where a compensation order is not made.

The Definitive Guideline issued by the Sentencing Council on Fraud, Bribery and Money Laundering offences in relation to corporate offenders reiterates this approach.[6]

Compensation is also integral to the Deferred Prosecution Agreement (DPA) regime introduced in February 2014. Compensation for the victims of the alleged offending is one of the requirements that can be imposed through the agreement.[7] Indeed, the DPA Code of Practice stipulates that it is "*particularly desirable that measures should be included [in the terms of the DPA] that achieve redress for victims, such as payment of compensation.*"[8]

The SFO/CPS and NCA have been operating informal principles on compensation since late 2015 which broadly reflect those just published.[9] These principles have been in operation for most of the overseas corruption cases concluded since 2014 by the SFO. Emerging case law on compensation from these cases is therefore a good indicator of how well the new principles may work in practice and the issues that have arisen so far.

Case law so far

Since 2015 the SFO has concluded 6 enforcement actions for overseas corruption. Three of these were DPAs, two guilty pleas and one a contested conviction. A total of £419.1 million worth of fines have been imposed on companies. Compensation has granted in just three of the cases totalling £16.9 million. £4.4 million of the proceeds of bribery recovered civilly will also be returned to an affected country. (Annex 3 summarises criminal enforcement actions post-2012, as well as civil recovery cases).

I. Case law from Deferred Prosecution Agreements

[4] https://www.legislation.gov.uk/ukpga/2012/10/section/63
[5] https://www.legislation.gov.uk/ukpga/2000/6/section/130
[6] https://www.sentencingcouncil.org.uk/wp-content/uploads/Fraud_bribery_and_money_laundering_offences_-_Definitive_guideline.pdf
[7] http://www.legislation.gov.uk/ukpga/2013/22/schedule/17/enacted
[8] https://www.cps.gov.uk/sites/default/files/documents/publications/dpa_cop.pdf
[9] http://www.oecd.org/corruption/anti-bribery/UK-Phase-4-Report-ENG.pdf; https://thercs.org/assets/Research-/SFO-Roundtable-AP.pdf

In the first DPA, the SFO entered into with Standard Bank in November 2015, Standard agreed to pay US$7 million in compensation to the Tanzanian government.[10] This figure was calculated on the basis that this was the amount that the Tanzanian government lost directly. In this case, it was clear that the fee which contained alleged corrupt payments was taken out of the $600 capital raised by Standard for the Tanzanian government.

Neither of the subsequent DPAs relating to corruption, however, have included compensation. In the XYZ DPA agreed in July 2016, Sir Brian Leveson stated that no compensation was sought or granted because it wasn't possible to "*positively identify any victims as entities who may be compensated.*" He cited the following reasons for why this was the case:

- the absence of any mutual legal assistance requests to or an established mechanism by which to make compensation payments to the authorities in countries where the bribes were paid;
- the fact that the bribe amounts were not confirmed by the evidence, nor any rise in contract price to accommodate these amounts;
- the fact that the SFO had not been able to demonstrate whether bribes had been paid to individuals.[11]

Similarly, in the Rolls Royce DPA agreed in January 2017, the SFO did not apply for compensation on the grounds that it had not "*been able to identify a quantifiable loss arising from any of the criminal conduct*."[12] In his judgement, Sir Brian Leveson cited case law to the effect that compensation should only be given in clear and simple cases, and not in cases where there are "*real issues as to whether those to benefit have suffered any, and if so, what loss.*" He went on to conclude that "*the factual complexity of the totality of the allegations… including the use of intermediaries, makes quantifying bribes actually paid impossible.*"

II. Case law from guilty pleas

In a case still under reporting restrictions, a company pleaded guilty to corruption in the winning of a contract with a state-owned enterprise. The state concerned requested compensation. The defendant and the prosecution agreed on the amount of compensation to be given, amounting to 50% of the contract price. Arguments, contested by the defending company, as to whether the state-owned enterprise would have chosen the specific technology sold by the company if a bribe had not been paid were made to the court at sentencing. As the company agreed to pay compensation at 50% of the contract price, however, the arguments were not fully tested in court.

III. Case law from convictions

Smith and Ouzman was convicted in December 2014, in the first contested overseas corruption case, of paying bribes to secure contracts to print ballot papers in Kenya and Mauritania. [13] Compensation was discussed at the company's sentencing.[14] No formal

[10] https://www.judiciary.gov.uk/wp-content/uploads/2015/11/sfo-v-standard-bank_Preliminary_1.pdf
[11] https://www.sfo.gov.uk/2016/07/08/sfo-secures-second-dpa/
[12] https://www.judiciary.gov.uk/wp-content/uploads/2017/01/sfo-v-rolls-royce.pdf
[13] https://www.sfo.gov.uk/cases/smith-ouzman-ltd/

application or evidence was put before the Judge, although the SFO indicated that it was trying to liaise with respective governments about how compensation could be paid, and would seek a route to pay compensation if the value of the bribes made their way into the Consolidated Fund (to which all fines go). The Judge indicated that he had not seen evidence that the governments concerned had taken steps to recover funds from their own officials; nor was he sure who the compensation should have gone to or that he could have confidence that it would reach the right entity. He stated that he would have declined to make a compensation order.

Despite no court order for compensation, approximately £395,000 (the bribe amount) was paid on the initiative of the SFO, for the purchase of ambulances in Kenya[15] and via a World Bank infrastructure project in Mauritania, out of funds confiscated from the company.

IV. *Case law from civil recovery of proceeds of corruption:*

In March 2018, the SFO successfully recovered £4.4 million in a civil recovery case relating to the proceeds of a bribery scheme in which a Canadian company, Griffiths Energy, (now owned by UK company, Glencore) gave bribes in the form of shares to the wives of Chadian diplomats in order to secure an oil contract in Chad.[16] DFID is due to identify key established projects for the money to be allocated to so that '*this money can be used to help the people of Chad*'.

Lessons so far

1. *The bar for achieving compensation orders is high*

Emerging case law indicates that the complexity of a case can be a significant barrier to achieving compensation in overseas corruption cases. Compensation is less likely to be sought or unlikely to be granted by a court (whether in a DPA or otherwise[17]) where:

a) the bribery is widespread and global;
b) the bribery is routed through intermediaries and payment to individuals is not established;
c) where there is no evidence of an inflated contract or substandard/unwanted product and direct loss cannot therefore be established; [18]
d) there has been no compensation request from an affected party or no contact established with authorities in an affected country;
e) it is not clear to whom the compensation should be paid (this is particularly an issue if bribes were paid to state-owned enterprises or sub-state bodies).

One potential undesirable effect of this is that the more egregious the bribery, the less likely it is that a company will be required to pay compensation.

[14] https://docs.wixstatic.com/ugd/54261c_9dabc24c7c134274ba0a96c3cd7e6c52.pdf
[15] https://www.businessdailyafrica.com/economy/3946234-3828834-5keucw/index.html
[16] https://www.sfo.gov.uk/2018/03/22/sfo-recovers-4-4m-from-corrupt-diplomats-in-chad-oil-share-deal/
[17] It is not clear to what extent judgements in DPA cases constitute case law in the context of full criminal trials and therefore to what extent Lord Justice Leveson's conclusions on compensation will be taken into account in trials.
[18] https://thercs.org/assets/Research-/SFO-Roundtable-AP.pdf

Given that compensation is a stated policy objective of the UK government, and yet case law is emerging which makes compensation orders difficult, this raises the following questions:

a) In what circumstances will the SFO return compensation to an affected country where no order has been made, as it did in the Smith and Ouzman case? And what are the costs and benefits of this approach?
    i. While it took this approach in the Smith and Ouzman case, the SFO has not done so in relation to any subsequent cases. It would be useful for the SFO and the CPS to clarify in what contexts and on what basis they would seek to make payments to affected states or victims out of confiscated funds where no compensation or other court order is issued. It is highly desirable that there is transparency and consistency in the return of compensation where no order is made.
b) How can the complexity rule be challenged to enable compensation to be given in complex overseas bribery cases?
c) Does greater resource need to be allocated by prosecutors to seeking evidence of harm and loss?
d) What role could non-prosecutorial bodies, both governmental and non-governmental, play in collecting evidence of loss and harm, and is this option being exploited to the full?
e) Can prosecutors use their considerable negotiating power in DPAs and guilty pleas to require companies to come up with either an agreed amount that they will pay in compensation, or to produce evidence of the loss or damage incurred? What are the barriers to doing this?
f) Is there a role for voluntary reparation?
    i. The SFO has also said in the past that in rare circumstances, voluntary reparation is an option for returning funds to affected countries.[19] It is worth noting that the UK Public Contracts Regulations require contractors convicted of corruption to prove that they have paid or undertaken to pay compensation in respect of any damage caused.[20] If courts do not order compensation on grounds of complexity, the issue arises as to whether contractors could otherwise prove they have paid compensation.
    ii. Voluntary reparations have been controversial in the past,[21] and raise real concerns as to whether they can be used by convicted corporations for reputational benefit.[22] The SFO has made clear that it is not its function to be involved in such payments.[23] However, it may be worth exploring in what circumstances the use of voluntary reparation by companies could be appropriate and what principles could be developed to avoid controversy around these in situations where compensation cannot be achieved through a court order.

[19] Ibid.
[20] http://www.legislation.gov.uk/uksi/2015/102/regulation/57/made
[21] https://publications.parliament.uk/pa/cm201012/cmselect/cmintdev/847/84706.htm
[22] Smith and Ouzman arguably tried to gain such benefit out of the compensation paid from its fine by the SFO, by issuing a press release entitled "Funding ambulances in Kenya": https://www.smith-ouzman.com/2017/03/22/funding-ambulances-in-kenya/
[23] http://www.oecd.org/corruption/anti-bribery/UK-Phase-4-Report-ENG.pdf, p 65

2. *The voice of victims of any definition is generally absent from overseas corruption cases*

Despite the requirement in UNCAC for State Parties to enable victims to have their views presented and considered at appropriate stages in criminal proceedings, there is no precedent for this occurring in overseas corruption cases in the UK. There is no doubt that this is made difficult by the complex nature of identifying who is the victim of corruption. In general, UK courts only recognise states or competitors as victims in overseas corruption cases. Judges have also recognised on various occasions that the real victims are the people of a country.

The absence of victim representation in overseas corruption cases means that juries and judges are far more likely to hear detailed evidence of the good character of a defendant than of the impact of the offending. In the Smith and Ouzman case, letters from an NGO Coalition and expert statements were put before the judge but rejected on the grounds that as it was well known that corruption causes harm, the statements did not add anything.[24]

The lack of victim representation raises key questions:

a) What routes are there for foreign states to make representations and present evidence of harm to court and in relation to DPAs? Are these being fully communicated to affected states and exploited?
b) Should there be pre-conditions for states to be recognised as victims, such as that they have taken action against those engaged in the corruption in their jurisdiction?
c) In contexts where foreign states are not prepared to make requests for compensation or where the relevant governments are deeply complicit in the corruption, is there for non-state actors such as non-governmental organisations to help identify victims and present evidence of harm?
    a. The principles for asset return developed at the 2017 Global Forum on Asset Recovery recognise that non-government actors and civil society should be "*encouraged to participate in the asset return process including by helping to identify how harm can be remedied*." However, without strong communication from law enforcement bodies it can be difficult for NGOs to know what evidence is useful to gather, what are the routes for it to be presented to court, and when it should be presented.
d) How can tools such as Community Impact Statements and Expert Witness Statements be used to ensure that the harm caused by corruption is reflected in court and victims given a voice? What is the most useful evidence for these tools to include, and at what stage of a prosecution should they be introduced?
e) Can defining victims or victim groups more precisely, or elaborating more on the harm caused, help ensure that compensation is paid more directly to those who suffered from corruption, rather than in a general manner?

3. *Quantification of loss and harm has generally been on a narrow basis*

[24] https://www.cw-uk.org/single-post/2016/01/13/Smith-and-Ouzman-Small-Case-Big-Implications

Overall, quantifying the loss caused by corruption has been very narrow to date in UK courts and limited to the amount of the bribe paid. The only exception to this so far has been achieved through a guilty plea by the company.

Quantification of harm which impacts on the amount of fine, is limited to gross profit from the contract obtained by a company. It is anomalous that for individuals convicted of bribery however, the harm can be calculated, according to the Definitive Guideline issued by the Sentencing Council, in a much broader fashion including:

- "*Serious detrimental effect on individuals (for example by provision of substandard goods or services resulting from the corrupt behaviour)*
- *Serious environmental impact*
- *Serious undermining of the proper function of local or national government, business or public services*
- *Substantial actual or intended financial gain to offender or another or loss caused to others.*"[25]

The narrow quantification of harm and loss raises the following questions:

a) What scope is there for changes to the Sentencing Guidelines so that a similar assessment of harm to that made in relation to individuals can be considered in relation to corporate offending? What are the barriers to doing this?
b) If harm is reflected in fine levels, is there a greater case for more money to go from fines paid into the Consolidated Fund back to those who have suffered harm from the corruption?
c) Are the prosecuting bodies looking broadly enough at net gain? For instance, winning the contract for which a company is prosecuted may result in the company winning further contracts as in the Smith and Ouzman case.
d) Are the prosecuting bodies making enough use of independent expertise in order to assess gains made by corporate offenders in order to assist in calculations of loss and harm?
e) Are prosecutors looking routinely and broadly enough at what proceeds of bribery can be recovered by civil means? For instance, in the Chad Oil case, the judge queried why the SFO did not go after assets held by Glencore which might have represented proceeds of bribery.

[25] https://www.sentencingcouncil.org.uk/wp-content/uploads/Fraud_bribery_and_money_laundering_offences_-_Definitive_guideline.pdf, p 42

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Annex 1

General Principles to compensate overseas victims (including affected States) in bribery, corruption and economic crime cases

Through application of the General Principles we aim to ensure that overseas victims of bribery, corruption and economic crime, are able to benefit from asset recovery proceedings and compensation orders made in England and Wales. Such victims could include affected states, organisations and individuals.
The General Principles are as follows:
1. The Serious Fraud Office (SFO), the Crown Prosecution Service (CPS) and the National Crime Agency (NCA), hereafter referred to as "the Departments" will consider the question of compensation in all relevant cases.

2. If compensation is appropriate, the Departments will use whatever legal mechanisms are available to secure it. These include:

a) In cases resolved by prosecution, the CPS and the SFO seeking remedies available under:
i. The Proceeds of Crime Act 2002 for confiscation and
ii. The Powers of Criminal Courts (Sentencing) Act 2000 for compensation.

b) In cases resulting in a Deferred Prosecution Agreement (DPA), the SFO and the CPS seeking compensation as part of the terms.

c) In cases disposed of civilly, the Departments seeking to return funds to victims where appropriate.

3. The Departments will work collaboratively with the Department for International Department (DFID), Foreign and Commonwealth Office (FCO), Home Office (HO) and HM Treasury (HMT) in relevant cases to:

- Identify who should be regarded as potential victims overseas. This may be in the form of an affected state.
- Assess the case for compensation.
- Obtain evidence which may include statements in support of compensation claims.
- Ensure the process for the payment of compensation is transparent, accountable and fair.
- Identify a suitable means by which compensation can be paid to avoid the risk of further corruption.

4. The Departments will develop and make available on their websites, guidance on the implementation of these General Principles.

5. Where possible, the Departments will engage proactively with the relevant law enforcement or government officials in affected states.

6. The Departments will publish information on concluded cases.

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Annex 2:

GFAR PRINCIPLES FOR DISPOSITION AND TRANSFER OF CONFISCATED STOLEN ASSETS IN CORRUPTION CASES

Principle 1: Partnership. It is recognised that successful return of stolen assets is fundamentally based on there being a strong partnership between transferring and receiving countries. Such partnership promotes trust and confidence.

Principle 2: Mutual interests. It is recognised that both transferring and receiving countries have shared interests in a successful outcome. Hence, countries should work together to establish arrangements for transfer that are mutually agreed.

Principle 3: Early dialogue. It is strongly desirable to commence dialogue between transferring and receiving countries at the earliest opportunity in the process, and for there to be continuing dialogue throughout the process.

Principle 4: Transparency and accountability. Transferring and receiving countries will guarantee transparency and accountability in the return and disposition of recovered assets. Information on the transfer and administration of returned assets should be made public and be available to the people in both the transferring and receiving country. The use of unspecified or contingent fee arrangements should be discouraged.

Principle 5: Beneficiaries. Where possible, and without prejudice to identified victims, stolen assets recovered from corrupt officials should benefit the people of the nations harmed by the underlying corrupt conduct.

Principle 6: Strengthening anti-corruption and development. Where possible, in the end use of confiscated proceeds, consideration should also be given to encouraging actions which fulfill UNCAC principles of combating corruption, repairing the damage done by corruption, and achieving development goals.

Principle 7: Case-Specific Treatment. Disposition of confiscated proceeds of crime should be considered in a case-specific manner.

Principle 8: Consider using an Agreement under UNCAC Article 57(5). Case- specific agreements or arrangements should, where agreed by both the transferring and receiving state, be concluded to help ensure the transparent and effective use, administration and monitoring of returned proceeds. The transferring mechanism(s) should, where possible, use existing political and institutional frameworks and be in line with the country development strategy in order to ensure coherence, avoid duplication and optimize efficiency.

Principle 9: Preclusion of Benefit to Offenders. All steps should be taken to ensure that the disposition of confiscated proceeds of crime do not benefit persons involved in the commission of the offence(s).

Principle 10: Inclusion of non-government stakeholders. To the extent appropriate and permitted by law, individuals and groups outside the public sector, such as civil society, non-governmental organizations and community- based organizations, should be encouraged to participate in the asset return process, including by helping to identify how harm can be remedied, contributing to decisions on return and disposition, and fostering transparency and accountability in the transfer, disposition and administration of recovered assets.

Annex 3 **Recent UK Overseas Bribery and Corruption cases**

Entity	Case summary	Legal mechanism & date sentencing/ settlement	Approx. value of advantage (Bribe Value)	Total sanction or settlement	Sanction/settlement breakdown	Compensation/ repatriation of proceeds	Compensation/ repatriation as % of total sanction
Oxford Publishing Limited (OPL)	An SFO investigation revealed that between 2007-2010 the publishing company Oxford Publishing Limited (OPL) received approximately GBP 1,900,000 in income generated through bribery committed by its subsidiaries incorporated in Tanzania and Kenya. OPL voluntarily reported the allegations to UK authorities and the World Bank.	Civil Recovery Order July 2012	£1.9m	£1.9m	Civil recovery £1.9m SFO costs £12,500**	£2m Voluntary out-of-court payment	Not applicable*
Standard Bank Plc.	Standard Bank Plc. was the subject of an indictment alleging failure to prevent bribery. The charges arose from a capital raising project for the Government of Tanzania, for which an increased fee was paid, to allow $6m to be paid to a local agent, Enterprise Growth Market Advisors.	Criminal, DPA November 2015	US$8.4m [≈£5.6m] profit from transaction fees (US$6m [≈£4m]) [Exchange rate of US$1.5032 = £1]	US$33m [≈£21,953,166]	Confiscation US$8.4m [≈£5.6m] Compensation US$7m [≈£4.7m] Fine $US16.8m [≈£11.2m] SFO costs £330,000	US$7m [≈£4,656,732] In terms of DPA	21.2%
Smith & Ouzman	Smith & Ouzman, a UK-based printing company specializing in security documents were convicted at Southwark Crown Court of corruptly agreeing to make payments totaling nearly half a million pounds. These payments were used to influence the award of business contracts in Kenya and Mauritania.	Criminal, contested January 2016	£440,000 gross profit (£395,074)	£2.2m	Confiscation £880,000 Fine £1.3m SFO costs £25,000**	£349,057 No court compensation order, but SFO transferred money out of Consolidated Fund to fund development in affected countries.	15.9%

Entity	Case summary	Legal mechanism & date sentencing/ settlement	Approx. value of advantage (Bribe Value)	Total sanction or settlement	Sanction/settlement breakdown	Compensation/ repatriation of proceeds	Compensation/ repatriation as % of total sanction
Sweett Group	Sweett Group was charged with failure to prevent bribery. The charge arose when a subsidiary of Sweett Group, Cyril Sweett International Limited, paid £680,000 in bribes to secure a £1.6 million project management and cost consulting contract in relation to the building of a hotel in Dubai.	Criminal, guilty plea February 2016	£850,000 gross profit (£500,000)	£2.25m	Confiscation £851,000 Fine £1.4m SFO costs £95,032**	0	0%
Unreported company [Case still subject to reporting restrictions]	Corrupt payments were made to win a contract with a state-owned enterprise. Defendant entered guilty plea. The state concerned requested compensation and the defendant and the prosecution agreed on the amount of compensation to be given, amounting to 50% of the contract price.	Criminal, guilty plea June 2016	To be confirmed	£17.97m	Fine £6.37m SFO costs To be confirmed Compensation £10.9m	£10.9m Court order.	60.7%
XYZ Ltd.	Following a self-report by XYZ of systematic bribery, it was found that a number of the company's employees and agents had been involved in the systematic offer and/or payment of bribes to secure contracts in foreign jurisdictions. The SFO's independent investigation concluded that of the 74 contracts examined, 28 were found to have been procured as a result of bribes.	Criminal, DPA July 2016	£6.2m gross profit (£500,000)	£6.55m	Confiscation £6.2m Fine £352,000	0	0%

Entity	Case summary	Legal mechanism & date sentencing/ settlement	Approx. value of advantage (Bribe Value)	Total sanction or settlement	Sanction/settlement breakdown	Compensation/ repatriation of proceeds	Compensation/ repatriation as % of total sanction
Rolls-Royce	Rolls-Royce plc and one of its subsidiaries, Rolls-Royce Energy Systems Inc, faced six charges of conspiracy to corrupt, five charges of failure to prevent bribery and one charge of false accounting relating to payments made by its civil aerospace, defence aerospace and energy businesses to intermediaries in several foreign jurisdictions.	Criminal, DPA January 2017	£258m gross profit (over US$50m)	£510m	Confiscation £258m Fine £239m SFO costs £13m	0	0%
'Chad Oil' (Griffiths Energy International)	Following Canadian proceedings, in which Griffiths Energy International (GEI) pleaded guilty to corruption charges regarding payments made to promote its interests in developing two oil blocks in Chad, the SFO took steps to freeze GBP 4.4mill contained in a UK bank account which represented the proceeds of sale of shares in GEI, alleged to be the proceeds of corruption.	Civil Recovery Order March 2018	£4.4m	£4.4m	Civil recovery £4.4m	£4.4m Recovered proceeds transferred by SFO for use in development projects in Chad.	Not applicable*
				Total sanction/ settlement: **£567m**		**Total compensation** **£22m**	**Average %:** **16.3%**

Table based upon Implementing the OECD Anti-bribery Convention Phase 4 Report: United Kingdom, table 4, p.62. The OECD table covers the period March 2012–Janaury 2017, and has been updated with information from subsequent cases.

*As these were civil settlements without punitive sanctions, this percentage cannot be calculated. However, in the OPL case, none of the court settlement went to compensation, but the parent company (Oxford University Press) offered a voluntary payment of £2m. In the 'Chad Oil' case, 100% of the £4.4m settlement went to compensation.

** The SFO notes in these cases that its recovery of costs were additional to the sanction or settlement.