



## Bribery, Corruption & Sanctions Busting

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In the face of international criticism, recent years have seen increased efforts in the UK to enforce anti-corruption legislation. The Serious Fraud Office has adopted an approach that includes criminal prosecutions of organisations and directors and civil settlements with organisations under proceeds of crime legislation. Borrowing from the practice in the US, the SFO seeks to incentivise organisations to self-report corruption by offering the prospect of a civil settlement, thus avoiding the draconian consequences that can follow from criminal conviction (such as a mandatory ban on tendering for public procurement contracts in the EU).

The Bribery Act replaces and simplifies the pre-existing law. It also creates a new offence for "commercial organisations" of failing to prevent bribery. The only defence is if the commercial organisation can prove that it had in place "adequate procedures" designed to prevent this conduct. UK organisations must therefore take proactive steps to put in place anti-corruption procedures. Historically BCL has provided advice in this area to multi-nationals, governments and anti-corruption agencies both in the UK and overseas and is therefore well placed to advise on the Act.

As a result of the increasing number of international measures designed to combat the financing of terrorism and aggressive action by rogue states, recent years have also seen a growing risk to businesses and employees of criminal liability for "sanctions busting" offences (for example, the SFO prosecutions arising from abuses of the United Nations' Oil For Food Programme in Iraq).

It will often be the case that investigations into these offences span more than one jurisdiction, which can raise issues for the organisation concerned in terms of reaching a global settlement and for the individuals in terms of the risk of extradition and potential criminal liability in more than one country. Having acted in a number of the most high profile corruption and sanctions busting cases in the UK, BCL is well placed to represent organisations and individuals involved in these investigations, both domestically and internationally.

**"one of the pre-eminent firms in the country for complex criminal fraud work"**

(Chambers UK)

**"This first-class firm offers clear, concise and uncomplicated thinking and an unsurpassed knowledge of criminal law"**

(Chambers UK)

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