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Serious Fraud Office
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7 December 2022

Dear Director

We are writing to you as Director of the Serious Fraud Office about what we see as a serious accountability gap arising from the recent guilty plea by Glencore Energy UK Ltd in the courts. While we welcome the strong action that the SFO has taken in getting Glencore to plead guilty, we are disappointed that the names of those who took bribes or were implicated in receiving them, particularly officials from state-owned enterprises, were not named in the court documents associated with the plea. If the case had gone to a full contested trial, these names would likely have been read out in open court.

The people of Nigeria, Cameroon, Côte d'Ivoire, Equatorial Guinea and South Sudan deserve to know who in their countries need to be held to account for receiving bribes from Glencore. This will enable journalists, civil society and the public to maintain pressure on authorities in these jurisdictions to undertake corresponding investigations.

As you will know the OECD Working Group on Bribery's 2021 Recommendation had a new focus on OECD member states addressing the demand side of bribery.¹ The Working Group's 2018 study of whether public officials are held to account found that only a fifth of public officials involved in bribery schemes from the demand side faced any sanction and that none of the cases where sanctions were imposed resulted from exchange of information from supply side countries.²

We urge the Serious Fraud Office to work with the UK government to address the accountability gap by undertaking the following actions:

1. Committing to sending intelligence packages as provided for in Article 46(4) of the UNCAC, and providing support to authorities in the five countries where it is clear those authorities are likely to undertake credible criminal investigations into those who engaged in bribery.

¹ <https://www.oecd.org/daf/anti-bribery/2021-oecd-anti-bribery-recommendation.htm>

² <https://www.oecd.org/corruption/Foreign-Bribery-Enforcement-What-Happens-to-the-Public-Officials-on-the-Receiving-End.pdf>

2. Sharing intelligence gathered with the FCDO Global Anti-Corruption Sanctions and Home Office visa ban teams with a view to these officials being placed on the sanctions list and subject to visa bans in the UK.³
3. Committing to review whether any of these officials laundered proceeds of bribery and corruption through the UK financial system or through its offshore jurisdictions, and share evidence with jurisdictions that did receive such funds.
4. Committing to review the practice of anonymisation of officials in DPAs and guilty pleas, and ensuring that companies that enter into DPAs and guilty pleas provide as much information about those who took bribes as a condition of negotiations.
5. Committing to early engagement with, and proper guidance for, foreign states and victims affected by corporate bribery so that they may submit compensation claims, and to the SFO robustly and fully presenting these claims to court.

Yours faithfully,

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Executive Director, Africa Network for Environment and Economic Justice (ANEEJ)

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Executive Director, Spotlight on Corruption

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³ https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/UK_Final_country_review_report_18.3.2013.pdf

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Chairman Transparency International Cameroon.

Annexure: the foreign officials and state entities implicated in Glencore bribery

Glencore Energy UK Ltd (Glencore) was convicted of seven counts under the UK Bribery Act 2010. These offences entailed the payment of bribes totalling more than \$28 million to foreign officials and entities in Nigeria, Cameroon, Ivory Coast, Equatorial Guinea and South Sudan. The SFO's case summary includes the following details about the involvement of various state-owned entities in the bribery schemes, but the foreign officials who received bribes within these entities are not identified.

Nigeria

Implicated foreign officials and state entities:

- Nigerian National Petroleum Corporation (NPCC): Nigerian state-owned oil company.
- "NO1": cypher used for official implicated in NPCC
- Ontario Trading S.A (Ontario): a large company incorporated in Ghana which received crude oil allocations from NNPC.

Count 1: Between 1 March 2012 and 1 April 2014, Glencore made 16 payments totalling \$4,586,143 in bribes to NNPC officials.

Count 2: Between August 2012 and July 2014, Glencore made 8 payments totalling \$2,047,004, with a portion intended to be paid on as bribes to employees of Ontario.

Count 3: Between 1 July 2012 and 1 April 2014, Glencore made 2 payments totalling \$335,920 in bribes to NNPC officials for special deals on oil to Petroleos De Geneve S.A. Limited, the Malawian company with whom Glencore had a two-year contract to purchase crude oil.

Cameroon

Implicated foreign officials and state entities:

- Société Nationale des Hydrocarbures (SNH): Cameroon's national oil and gas company
- Société Nationale de Raffinage (Sonara): Cameroon's national oil refinery

Count 4: Between 1 March 2012 and 1 March 2015, Glencore made payments totalling EUR 10,532,712 (\$13,747,762) in bribes to officials of SNH and Sonara. Cash bribes were often transported in private jet across borders.

Ivory Coast

Implicated foreign officials and state entities:

- Société Nationale d'Opérations Pétrolières de la Côte D'Ivoire, Petroci Holding (Petroci): the state-owned oil business of the Ivory Coast.

Count 5: Between 1 July 2011 and 1 April 2016, Glencore made payments totalling EUR 4,757,474 in bribes to Ivorian public officials at Petroci.

Equatorial Guinea

Implicated foreign officials and state entities:

- GEPetrol: State-owned oil company of Equatorial Guinea
- Teodoro Obiang: The deal was secured following a meeting between one of Glencore's London-based agents and the President of Equatorial Guinea.

Count 6: Between 1 July 2011 and 1 December 2011, Glencore failed to prevent bribery through a \$1,000,000 payment to its agent for onward distribution to officials in Equatorial Guinea.

South Sudan

Implicated foreign officials and state entities:

- Nile Petroleum Corporation Ltd (Nilepet): One of South Sudan's state-owned oil companies
- "Green": pseudonym for a South Sudanese minister with authority to award cargoes of crude oil (i.e. Minister of Petroleum and Mining)
- "President of South Sudan's assistant": met with Glencore executives in Zurich and London around the time the cash was withdrawn.

Count 7: Between 1 July 2011 and 1 December 2011, Glencore failed to prevent bribery through a \$1,075,000 payment by its agent, Ch'iang Wei Energy Limited, to South Sudanese officials.