



# Red Notice

A Monthly Update on Global Investigations and Prosecutions

DECEMBER 2010

## INTRODUCTION

**Holiday greetings** and welcome to the December installment of *Red Notice*, a publication of Akin Gump Strauss Hauer & Feld LLP. 'Tis the season for cross-border anti-corruption and antitrust enforcement as Nigeria files bribery charges against former U.S. Vice President Cheney and the air cargo price fixing and municipal bond bid-rigging probes continue at full speed. In an important case with implications for private antitrust enforcement, a UK court has refused to allow class action treatment of civil damages cases related to the airlines cartel. And the DOJ has released its annual round-up of criminal cartel enforcement statistics.

### And Just What is a Red Notice?

For those of you who may be wondering how this publication gets its name, here is a [story](#) from the *New York Times* explaining how an Interpol Red Notice is being used in the international investigation of WikiLeaks founder Julian Assange.

## ANTI-CORRUPTION DEVELOPMENTS

### DOJ Rejects Amnesty Program For FCPA Violations

Anyone hoping that, in the spirit of the season, DOJ would give the business community an amnesty program for disclosing potential FCPA violations – akin to the Antitrust Division's corporate leniency program – will be sorely disappointed. DOJ recently made clear that an amnesty program is not being considered. Read the [story](#) on *Law360*.

### Nigeria Charges Former U.S. Vice President Dick Cheney With Bribery

Nigeria's Economic and Financial Crime Commission (EFCC) had nothing but coal for the stocking of former V.P. Dick Cheney. The EFCC leveled charges against the former VP for "conspiracy and distribution of gratification to public officials." The charges are related to a scheme involving Halliburton to bribe Nigerian officials for gas contracts during the time Cheney was Halliburton CEO, from 1995 to 2000. Read the [story](#) on *NYDailyNews.com*.

### Potential Far-Reaching Effects of the UK Bribery Act

When the UK Bribery Act comes into force next April, the UK will have jurisdiction over foreign companies that do business in the UK and are involved in bribery in another country, even if the bribery is not connected to their UK business. The breadth of the law also presents the potential for increased cooperation between UK and foreign officials in the fight against corporate corruption. For companies that conduct business in the UK, the UK Bribery Act makes eliminating corruption in all company outposts, even those unrelated to the UK, a must. Read [more](#) from *BBC News*.

## ANTITRUST ENFORCEMENT DEVELOPMENTS

### DOJ Antitrust Division Releases Year-End Criminal Cartel Statistics



**Paul Butler**

Partner

[pbutler@akingump.com](mailto:pbutler@akingump.com)

202.887.4069

[Download to Outlook](#)



**Brady Dugan**

Partner

[bdugan@akingump.com](mailto:bdugan@akingump.com)

202.887.4152

[Download to Outlook](#)



**Mark MacDougall**

Partner

[mmacdougall@akingump.com](mailto:mmacdougall@akingump.com)

202.887.4510

[Download to Outlook](#)

Editor: [Mollie McGowan](#)

[Attorneys in Related Practices](#)

It would not be the holidays without DOJ's year-end criminal cartel statistics. The 2010 statistics show that fines for antitrust law violators are down, but jail time is up. Criminal cartel fines fell from \$1 billion in 2009 to \$555 million in 2010, but jail time increased from 25,936 days in 2009 to 26,046 days in 2010. The percentage of defendants sentenced to jail is down slightly to 78% in 2010, from 80% in 2009. Find the [statistics](#) on the DOJ website.

### **U.K. Rejects Attempt at U.S.-Style Mass Litigation Against British Airways**

No early Christmas for U.K. class action plaintiffs – a U.K. court has rejected class action-style treatment of civil damages against British Airways stemming from the airlines cartel. This was one of the first major attempts to bring a class action in European courts. Some see the decision as a step backward for U.K. competition authorities, who have suggested private litigation as a way to increase antitrust enforcement. Read the [story](#) from *Forbes*.

### **Municipal Bond Bid-Rig Probe Leads to Another Arrest**

U.S. authorities recently arrested a former employee of Zurich-based UBS bank on charges tied to a \$100,000 kickback he received for steering an investment agreement with a U.S. state to another bank. The arrest is part of an ongoing investigation into a conspiracy involving multiple banks and brokers to pay states and local governments below-market rates on investments purchased with bond proceeds. Fifteen former bankers and advisers have been charged in the investigation thus far. Find the [story](#) on *Bloomberg Businessweek*.

### **Another Air Carrier Pleads Guilty to Price-Fixing**

Singapore Airlines recently pled guilty and agreed to pay a \$48 million criminal fine for its involvement in an air cargo price-fixing scheme. Singapore Airlines is the 20th air carrier to be charged in an ongoing antitrust investigation into the air cargo industry. Criminal fines against the airlines involved now total \$1.7 billion. Find the [story](#) on *CNN*.

Questions/Comments:

[Contact Us](#)

[Archived Editions](#)

[Subscribe to Red Notice](#)

---

AKIN GUMP  
STRAUSS HAUER & FELD LLP

[akingump.com](#) | 14 offices worldwide | over 800 lawyers



[www.twitter.com/akin\\_gump](http://www.twitter.com/akin_gump)

---

© 2010 Akin Gump Strauss Hauer & Feld LLP. All rights reserved. This document is distributed for informational use only; it does not constitute legal advice and should not be used as such. IRS Circular 230 Notice Requirement: This communication is not given in the form of a covered opinion, within the meaning of Circular 230 issued by the United States Secretary of the Treasury. Thus, we are required to inform you that you cannot rely upon any tax advice contained in this communication for the purpose of avoiding United States federal tax penalties. In addition, any tax advice contained in this communication may not be used to promote, market or recommend a transaction to another party.

If you would like to update your information or opt out from our mailing list, please [click here](#).