

Monthly China Anti-Bribery Update Report — May 2015

Article By:

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1. New laws or regulations

State level: No developments.

Local level (Beijing & Shanghai): No developments.

Communist Party Rules: No developments.

2. Upcoming laws or regulations

No developments.

3. Government Action

(1) It was reported on May 5, 2015 that Zhu Yifang (“Zhu”), the former Deputy Party Secretary of the Pingdingshan Municipal Political Consultation Conference of Henan Province, was sentenced by the Intermediate People’s Court of Zhumadian City, Henan Province to life in prison for taking bribes, embezzlement, and large unidentified properties. All his personal properties were confiscated.

Reportedly, Zhu was found guilty of abusing his office to accept and solicit bribes totaling RMB 19.89 million (USD 3.2 million), USD 17,000, and a vehicle valued at RMB 340,000 (USD 54,832). Further, Zhu illegally embezzled RMB 450,000 from public funds, and held properties without clear sources exceeding RMB 13.73 million (USD 2.21 million), USD 70,000, and JPY 40,000 (USD 322). Zhu was given a reduced sentence due to his confession and return of illegal gains.

(2) On May 5, 2015, Xie Xingchang (“Xie”), the former Deputy District Dead of Keqiao District, Shaoxing City, Zhejiang Province, was sentenced by the Intermediate People’s Court of Shaoxing City, Zhejiang Province to life imprisonment for taking bribes exceeding RMB 13 million (USD 2.09 million). He was also deprived of political rights for life and all his personal properties were

confiscated after the first trial.

During his term in office from 2003 to 2014, Xie took advantage of his position to seek illegal benefits for several companies with respect to the transfer of land use rights, the development and construction of real estate projects, the grant of governmental preferential policies, and project contracting. In exchange, Xie repeatedly accepted or demanded bribes valued at RMB 13 million (USD 2.09 million), USD 10,000, and EUR 3,000 (USD 3407) from the chairman or other controlling person at these companies. As of the judgement date, part of the bribes, i.e., RMB 6.5 million (USD 1.04 million), have been recovered by the state.

(3) On May 7, 2015, Zhou Jianming (“Zhou”), the former President of the Intermediate People’s Court of Ankang City, Shan’xi Province (the “Court”), was sentenced to 11 years in prison by the Intermediate People’s Court of Xi’an City, Shan’xi Province for taking bribes after his first trial. His personal property valued at RMB 120,000 (USD 19,342) was confiscated and all the bribes totaling at RMB 1.693 million (USD 272,895) have been recovered.

Allegedly, during his term in office from April 2010 to January 2012, Zhou sought illegal benefits for several construction contractors and equipment suppliers by taking advantage of his position as the head of the group leading the construction project for court building complex. In return, Zhou illegally accepted money and other properties valued at RMB 1.693 million (USD 272,895) from the bribe-givers. Zhou was given a lighter sentence due to his confession and good attitude and the return of all the bribes.

(4) On May 18, 2015, Miao Yongmou (“Miao”), the former Deputy Director of Nantong Meteorological Bureau, was sentenced to 8 years’ imprisonment for taking bribes by the Intermediate People’s Court of Nantong City, Jiangsu Province plus confiscation of property valued at RMB 250,000 (USD 40,325).

It was reported that Miao took advantage of his position and accepted bribes aggregating to RMB 1.124 million (USD 181,301). After the case came to light, Miao surrendered all ill-gotten gains and confessed his crime.

(5) On May 29, 2015, Tian Yulin (“Tian”), the former Mayor of Tonghua City, Jilin Province, was sentenced to death by the Intermediate People’s Court of Songyuan City, Jilin Province for accepting bribes, with a two-year reprieve.

Tian was found guilty of soliciting and taking bribes totaling RMB 44.22 million (USD 7.13 million) during his term in office from October 2007 to August 2013, among which RMB 35.74 million (USD 5.76 million) was solicited from others. Tian appealed in court.

4. Other

(1) On May 15, 2015, the Supreme People’s Procuratorate promulgated the Notice of Participation into the Battle against the Transfer of Bribes through Offshore Companies or Illegal Private Banks (the “Notice”). This Notice requires the procuratorial organs at all levels (the “Organs”) to block the so-called slush funds from being transferred overseas. For those bribes already-transferred overseas (whether properties or money) or in those situations where the suspect has fled abroad, the Organs are to timely issue an international “red wanted notice” or request for judicial assistance depending on the circumstances.

5. China-related FCPA Action

No developments.

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