

CORPORATE – ALTERNATIVE DISPUTE RESOLUTION: SAP

The National Prosecuting Authority (NPA) concluded a Corporate Alternative Dispute Resolution (Resolution) with the company, SAP. The decision was made using the criteria set out in the NPA's Corporate Alternative Dispute Resolution Directive. In making the decision, the NPA took into account various factors, including the extent of the criminality, the co-operation of the company and steps taken to self-report criminality, the need for restitution for the economic recovery of the country, assistance in further prosecutions, and improved corporate governance within the company.

In terms of the Resolution, the criminal roles of its directors and employees in corruption and related offences was admitted. Corrupt contracts were entered into with Transnet, Eskom, SARS, PRASA, the Department of Water and Sanitation (DWS) and the Gauteng Department of Finance, among others.

SAP will pay back approximately four hundred million Rand derived from unlawful contracts to affected government entities and pay seven hundred and fifty thousand Rand into South Africa's Criminal Assets Recovery Account as restitution, in recognition of the social and economic harm done as a result of its conduct in South Africa.

Further in terms of the Resolution, SAP will provide the NPA with information about individuals, companies and detailed financial information related to the corrupt contracts, beneficiaries of which include Gupta-linked companies, for prosecutions purposes.

SAP has and will continue to enhance its corporate governance.

The decision not to prosecute SAP may be reviewed by the NPA if there is any non-compliance with the Resolution.

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