



How to Realize Your Chinese Dream?

**—Risk Prevention and Control of Criminal
Litigation Concerning Foreign Enterprises and
Their Multinational Executives in China**



Main Contents

1. Analysis on multinational executives' crime cases
2. Common crimes committed by multinationals
3. Analysis on the causes
4. How to prevent and control
5. Introduction to Chinese criminal proceedings
6. Some important and practical tips





1. Analysis on Multinational Executives' Crime Cases

- Investigation to GSK (GlaxoSmithKlines), American Eli Lilly and Company, Danish Novo Nordisk A/S and Belgium's UCB SA
- Case of a top-level German art brokerage firm







2. Common Crimes Committed by Multinational Executives

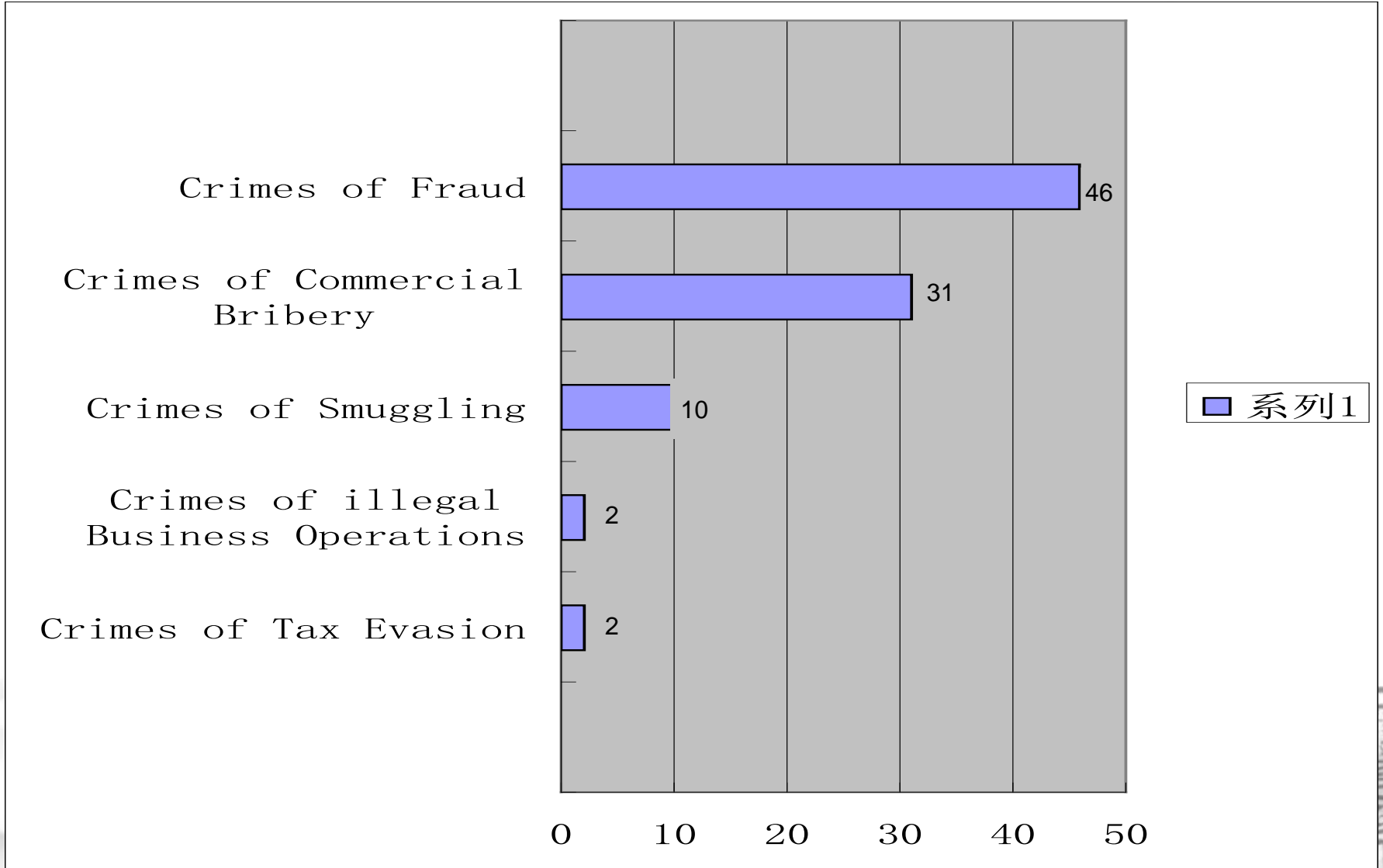
- Crimes of fraud
- Crime of commercial bribery
- Crime of smuggling





Major Crimes

From 2002 to 2012



■ 系列1



3. Analysis on the Causes of Multinational Executives' Crime

- Unfamiliar or careless with Chinese laws and regulations(e.g. do routine job as previous post)
- Poor compliance from the perspective of Chinese criminal laws
- Spoiled by privilege for around 30 years(like tax exemption)
- Earning profit via loopholes in Chinese law





4. The Prevention and Control of Multinational Executives' Crime

- To strengthen compliance from the perspective of Chinese criminal law
- To perfect daily corporate governance structure (details including bilingual contracts, ect.)
- To polish the cooperation between the in-house counsels and external lawyers





5. Introduction on the Criminal Proceedings

- Introduction on three major organs and procedures:

The Public
Security Organs

The People's
Procuratorates

The People's
Courts





The Public Security Organs





The People's Courts





The People's Procuratorates





- The statutory time limit for custody
- Be released on bail pending trial(exceptionally succeeded in felony)





6. Some important and practical tips

- Company crime or executives' crime (collective or individual crime)?

Will (Case of Rio Tinto, Case of Miss W, single penalty)

Benefit (Case of IFAS, double penalty)







- The jurisdiction : treatment of citizenship
- The rights to be translated(make sure requiring a translator)
- To seek profesional help as soon as possible(when interrogated or put under custody)
- To seek help from foreign consulate in China (very workable)
- Serve a sentence in China





Q & A





THANKS!

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