

United States v. Junji Kusunoki, Reza Moenaf, and Eko Sulianto (D. Connecticut 2013)

Nature of the Business.

Marubeni Corporation is a global trading company headquartered in Japan that conducts business around the world, including the provision of engineering services. Marubeni and its subsidiaries and joint ventures employed approximately 24,000 employees in over 70 countries.

Alstom S.A. is a French power and transportation company focused on constructing and providing services related to power generation facilities, power grids, and rail transportation systems around the world. Alstom S.A. maintained a class of securities on the New York Stock Exchange until August 2004.

Junji Kusunoki served as the Deputy General Manager of Marubeni's Overseas Power Project Department, as General Manager of Marubeni Power Systems Corporation, and was President of another Marubeni subsidiary.

Reza Moenaf was the President of PT Energy Systems Indonesia, a subsidiary of Alstom in Indonesia ("Alstom Indonesia").

Eko Sulianto served as the Director of Sales of Alstom Indonesia.

Influence to be Obtained.

According to the DOJ, in 2002, Marubeni entered into a joint-venture partnership with Alstom S.A. to procure a valuable power services contract in Indonesia (the "Tarahan Project").

Beginning in 2002, the DOJ alleges that executives from the Alstom S.A. hired two consultants with the intent to bribe members of the Indonesian parliament and the state-owned power company, Perusahaan Listrik Negara ("PLN"), in exchange for securing the contract for the Tarahan Project. According to the DOJ, Kusunoki, Moenaf, and Sulianto coordinated with fellow co-conspirators to wire hundreds of thousands of dollars from bank accounts in New York to the consultants' bank accounts in Maryland and Singapore. In 2005, Marubeni and the Alstom S.A. were awarded the contract for the Tarahan Project.

Enforcement.

On November 14, 2013, the DOJ charged Kusunoki with one count of conspiracy to violate the FCPA, six counts of violating the FCPA's anti-bribery provisions, one count of conspiracy to commit money laundering, and four counts of money laundering. On February 18, 2020, the DOJ unsealed a superseding indictment filed on February 26, 2015. The superseding indictment charged Kusunoki with the same twelve substantive counts as in the initial indictment.

The superseding indictment additionally charged Moenaf and Sulianto with one count of conspiracy to violate the FCPA, two counts of violating the anti-bribery provisions of the FCPA, one count of conspiracy to commit money laundering, and one count of money laundering.

Charges against all three defendants are currently pending.

Key Facts

Citation. *United States v. Kusunoki, et al*, No. 3:13-cr-00212, (D. Conn. 2013).

Date Filed. November 14, 2013 (original indictment); February 26, 2015 (superseding indictment).

Date Unsealed. February 18, 2020.

Country. Indonesia.

Date of Conduct. 2002 – 2009.

Amount of the Value.

- Approximately \$118 million.

Amount of Business Related to the Payment. Not Stated.

Intermediary. Third-party Consultants.

Foreign Official. Unnamed government officials at PLN, Indonesia's state-owned and controlled electricity company; unnamed member of Indonesian parliament.

FCPA Statutory Provision. Anti-Bribery; Conspiracy (Anti-Bribery).

Other Statutory Provision. Money Laundering; Conspiracy (Money Laundering).

Disposition.

- **Kusunoki.** Pending.
- **Moenaf.** Pending.
- **Sulianto.** Pending.

Defendant Jurisdictional Basis. Agent of Domestic Concern (Kusunoki, Moenaf, and Sulianto).

Defendant's Citizenship. Not Stated.

Total Sanction.

- **Kusunoki.** Pending.
- **Moenaf.** Pending.
- **Sulianto.** Pending.

Related Enforcement Actions. *United States v. Alstom S.A.*; *United States v. Marubeni Corporation*; *United States v. Hoskins*; *United States v. Pierucci*; *United States v. Rothschild*; *United States v. Puckett*; *United States v. Thiessen*.