

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

16 Cr. 137 (ER)

VIMPELCOM LTD., :

Defendant. :

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GOVERNMENT’S UNOPPOSED MOTION TO DISMISS INFORMATION

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States (Robert Zink, Chief, Fraud Section, Criminal Division, U.S. Department of Justice, by Nicola J. Mrazek, Senior Litigation Counsel; and Geoffrey Berman, United States Attorney for the Southern District of New York, by Edward Imperatore, Assistant U.S. Attorney) hereby moves to dismiss the Information filed in the above-captioned case against defendant VimpelCom Ltd.¹ (hereinafter “VimpelCom”). In support of this motion, the Government states as follows:

1. On or about February 18, 2016, the Government filed an Information charging VimpelCom with conspiracy to violate the anti-bribery and books and records provisions of the Foreign Corrupt Practices Act of 1977 (“FCPA”), 15 U.S.C. § 78dd-1, in violation of 18 U.S.C. § 371, and with a violation of the internal controls provision of the FCPA, 15 U.S.C. 78m(b)(2)(B).

2. On or about February 22, 2016, the Government filed a deferred prosecution agreement (“DPA”) in the case against VimpelCom, in which the Government recommended that the prosecution of VimpelCom be deferred for a period of three years. The DPA required VimpelCom to cooperate with the Government’s ongoing investigation, to implement an enhanced

¹ In 2017, VimpelCom Ltd. changed its name to VEON Ltd.

compliance program and to engage an independent compliance monitor for a period of three years, among other obligations. VimpelCom was also required to pay a total monetary penalty of \$460,326,398.40.

3. The DPA provided that the Government would not continue the criminal prosecution against VimpelCom and would move to dismiss the Information within six months of the expiration of the DPA, if VimpelCom fully complied with all of its obligations. See DPA ¶ 17.

4. On or about September 27, 2019, VimpelCom's monitor certified, pursuant to DPA ¶ 19, that VimpelCom's compliance program, including its policies and procedures, is reasonably designed and implemented to prevent and detect violations of the anti-corruption laws.

5. On or about October 31, 2019, VimpelCom's Chief Executive Officer and Chief Financial Officer certified to the Government that VimpelCom has met its disclosure obligations pursuant to DPA ¶ 6.

6. Based on the information known to the Government, VimpelCom has fully met the obligations under the DPA, including full cooperation with the Government, implementation of an enhanced compliance program and procedures, and satisfaction of the terms of the provisions regarding the independent compliance monitorship. In addition, VimpelCom has made timely payment of the \$460,326,398.40 monetary penalty.

7. Given that VimpelCom has fully complied with all of its obligations under the DPA, the Government has determined that dismissal of the Information with prejudice is appropriate. See DPA ¶ 17. The Government has conferred with counsel for VimpelCom, who concurs that dismissal is appropriate at this time.

Respectfully submitted,

ROBERT ZINK
CHIEF
Fraud Section
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United States Department of Justice

/s/ Nicola J. Mrazek

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