

Insights



William McGovern Talks to Foreign Policy on Meng Wanzhou Deferred Prosecution Agreement with DOJ

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With the signing of a deferred prosecution agreement with the U.S. Department of Justice, Huawei CFO Meng Wanzhou was able to leave Canada, where she was held pending extradition to the United States. Kobre & Kim's William McGovern, a former prosecutor focused on government enforcement matters with a nexus to Asia, offered his analysis of the case when he sat down with *Foreign Policy*.

As Mr. McGovern explained, "Deferred Prosecution Agreements are used to resolve cases in a variety of circumstances. ... Under the reported terms of the agreement, it appears that the charges will be dismissed in 14 months. The agreement resolves the pending extradition and so it would seem there [was] no basis to restrict her return to China." However, he noted that it was uncommon for these agreements to be used in "matters against individuals, as opposed to organizations."

The release of Meng was followed by the release of Canadians Michael Kovrig and Michael Spavor, who were seized by China following Meng's arrest. Some suspect that future attempts by Western governments to arrest highly connected Chinese citizens will lead to their own citizens being held hostage in China in return. However, Mr. McGovern noted that on the U.S. side, "Decisions to charge individuals with political connections to foreign governments come with a whole range of collateral considerations but our experience with the DOJ is that they will not be cowed or intimidated by the risk of retaliatory prosecutions by foreign governments."

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