

Alfonso Portillo (United States)

Case ID:

ARW-7

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Guatemala

Position of Public Official(s) (yrs in office):

President (2000-2004)

Jurisdiction of Asset Recovery:

United States

Jurisdiction of Asset Recovery ? Description:

Undertaking Recovery Effort, Location of Recovery Effort, Asset Location / Alleged Asset Location

Asset Recovery Start:

2009

Asset Recovery End:

Ongoing

UNCAC Offenses Implicated:

Art.16

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Criminal Prosecution and Forfeiture

Intl.Cooperation: MLAT/Letter of Request?:

Unknown

Basis for Intl Cooperation:

Request for Extradition

Contributing Factors in Asset Recovery:

Ongoing Case

Status of Asset Recovery :

Ongoing

Stage in Asset Recovery Chain:

Judgment by Court of First Instance

Assets Adjudicated, Not Yet Returned - Description:

Consent Preliminary Order of Forfeiture

Agreement for Returned Assets:

Ongoing

Agreement for Returned Assets - Description:

NA

Case Summary:

As part of his plea agreement, Mr. Portillo admitted that while serving as President of Guatemala, he had received US\$2.5 million from the government of China, Taiwan purportedly for the "Libraries for Peace" project but was in exchange for Guatemala's continued recognition of China, Taiwan's sovereignty. (Source: US v. Portillo, Case No. 1:09-cr-01142-RPP (S.D.N.Y.), Judgment in a criminal case filed June 11, 2014 and US

Government Sentencing Memorandum filed May 12, 2014.) The 2009 indictment filed by the U.S. Attorney for the Southern District of New York alleged that the criminal proceeds had been laundered through a complex scheme involving close associates and family members and shell entities, involving banks in Florida and New York (as well those in England, France, Luxembourg, and Switzerland). (Source: U.S. v. Portillo, Case No. 1:09-cr-01142-RPP (S.D.N.Y.), Indictment filed December 1, 2009 and unsealed on January 25, 2010.) According to a US Department of State press briefing transcript of November 11, 2011, the US spokesman stated that "We understand that President Colom has upheld the Guatemalan Constitutional Court's August 26 decision that authorized the extradition of former President Alfonso Portillo to the United States on charges of conspiracy to commit money-laundering." (Source: US Department of State Daily Press Briefing transcript, " U.S. Extradition Request for Former President Alfonso Portillo," November 17, 2011, filed May 10, 2012 in US v. Portillo, 1:09-cr-01142 (SDNY), accessed via PACER.) In May 2010, the US federal court for Southern District of New York denied Mr. Portillo's habeas petition which had challenged his custody in Guatemala based on the US extradition request. (Source: US v. Portillo, Case No. 1:09-cr-01142 (SDNY), Opinion and Order filed May 10, 2012.) After the Indictment was unsealed, in 2010, Mr. Portillo was arrested in Guatemala, and detained pending his extradition to the United States. In May 2013, he was extradited to the United States and remanded into custody. (Source: US v. Portillo, 1:09-cr-1142 (SDNY), Order of Remand May 28, 2013).

Disposition of Criminal Case(s):

According to the US court records, Mr. Portillo pleaded guilty to one count of conspiracy to commit money laundering in the United States District Court for the Southern District of New York; in June 2014, he was sentenced to 70 months' imprisonment. (Source: US v. Portillo, Case No. 1:09-cr-01142-RPP (S.D.N.Y.), Judgment in a Criminal Case, filed June 11, 2014)

Jurisdiction of Origin: Investigative Agency:

Comision Internacional Contra la Impunidad en Guatemala (International Commission Against Impunity in Guatemala)

Jurisdiction of Origin: Prosecuting Authority/Civil Attorney(s):

Comision Internacional Contra la Impunidad en Guatemala (International Commission Against Impunity in Guatemala), Special Prosecutor's Office

Jurisdiction of Origin: Courts Involved:

Tribunal Undecimo de Sentencia Penal (Eleventh Court of Criminal Judgment)

Jurisdiction of Asset Recovery: Investigative Agency:

U.S. Internal Revenue Service, New York Field Office; U.S. Drug Enforcement Administration, New York Field Division

Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):

U.S. Attorney for the Southern District of New York

Jurisdiction of Asset Recovery: Courts Involved:

U.S. District Court for the Southern District of New York



Documents:

Portillo_SDNY_Indictment_Dec_2009.pdf

Portillo_SDNY_Press_Release_Unseal_Indictment_Jan_25_2010.pdf

Portillo_SDNY_Status_Report_Jan_25_2010.pdf

Documents:

Attachment	Size
 Portillo_SDNY_Opinion_Extradition_May_10_2012.pdf	131.33 KB
 Portillo_SDNY_USG_Extradition_Request_2011.pdf	421.57 KB

Attachment	Size
 Portillo_US_SDNY_Mem_Law_Support_Portillo_Pre_Trial_Mtns_2013.pdf	1.8 MB
 Portillo_US_SDNY_Remand_May_28_2013.pdf	12.83 KB
 Portillo_SDNY_Dkt_Rept_as_of_Mar_19_2014.pdf	335.73 KB
 Portillo_US_SDNY_Judgment_June_11_2014.pdf	230.73 KB
 Portillo_US_SDNY_Sentencing_PR_May_2014.pdf	149.08 KB
 Portillo_US_SDNY_Consent_Forfeiture_Order_May_22_2014.pdf	173.73 KB
 Portillo_US_SDNY_Ct_Dkt_Rept_03182014_to_07272014.pdf	192.42 KB
 Portillo_SDNY_Indictment_Dec_2009.pdf	6.53 MB

Documents Links:

Other Sources:

U.S. v. Portillo, Case No. 1:09-cr-01142-RPP (S.D.N.Y), Indictment filed December 1, 2009 and unsealed on January 25, 2010, and Status Report by U.S. Attorney dated January 25, 2010; Press Release by the United States Attorney for the Southern District of New York, "Manhattan U.S. Attorney Unseals Money Laundering Charge against Former President of Guatemala," January 25, 2010, accessed at <http://www.justice.gov/usao/nys/pressreleases/January10/portilloalfonsoi...> US Department of State Daily Press Briefing transcript, " U.S. Extradition Request for Former President Alfonso Portillo," November 17, 2011, filed May 10, 2012 and Opinion and Order filed May 10, 2012, Order of Remand filed May 28, 2013, US Government Sentencing Memorandum filed May 12, 2014, and Judgment in a Criminal Case filed June 11, 2014, in US v. Portillo, Case No. 1:09-cr-01142 (SDNY), accessed via PACER.