

Augusto Pinochet

Case ID:

ARW-20

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Chile

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

President (1973-1990); Commander-in-Chief of Chilean Army (1990-1998); "Senator for life" (1998 to 2006)

Jurisdiction of Asset Recovery:

Spain

Jurisdiction of Asset Recovery ? Description:

Undertaking Recovery Effort, Location of Recovery Effort

Asset Recovery Start:

1979

Asset Recovery End:

2005

UNCAC Offenses Implicated:

Art.19

Art.20

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Private Civil Action

Intl.Cooperation: MLAT/Letter of Request?:

No

Basis for Intl Cooperation:

NA

Contributing Factors in Asset Recovery:

In 1998, Judge Garzon of Spain ordered a worldwide freeze on Mr. Pinochet's assets and ordered Riggs Bank to pay \$8 million to a foundation established to assist victims of the Pinochet regime, to settle the Spanish case for violating the 1998 court order (Source: United States Senate Permanent Subcommittee on Investigations, Money Laundering and Foreign Corruption: Enforcement and Effectiveness of the Patriot Act, Supplemental Staff Report on the U.S. Accounts Used by Augusto Pinochet (March 16, 2005), at footnote 5). According to the Washington Post (February 26, 2005), Riggs Bank paid \$8 million and its owners Joe and Robert Albritton paid \$1 million, for a total of \$9 million.

Status of Asset Recovery :

Completed

Agreement for Returned Assets:

No

Agreement for Returned Assets - Description:

NA

Case Summary:

According to an attorney familiar with the case, the civil society organization Consejo de

Defensa del Estado brought two claims, in Spain and in the U.S., represented by an American attorney based in Miami. The civil action in Spain was based on the claim that had Riggs Bank complied with Anti-Money Laundering regulations, Chile could have recovered its stolen assets much sooner. (Source: Researcher telephone interview, November 2010). In 1998, Judge Garzon of Spain ordered a worldwide freeze on Mr. Pinochet's assets and ordered Riggs Bank to pay \$8 million to a foundation established to assist victims of the Pinochet regime, to settle the Spanish case for violating the 1998 court order (Source: United States Senate Permanent Subcommittee on Investigations, Money Laundering and Foreign Corruption: Enforcement and Effectiveness of the Patriot Act, Supplemental Staff Report on the U.S. Accounts Used by Augusto Pinochet (March 16, 2005), at footnote 5). According to the Washington Post (February 26, 2005), Riggs Bank paid \$8 million and its owners Joe and Robert Albritton paid \$1 million, for a total of \$9 million. After deducting \$1 million (mostly for legal expenses), \$8 million was reported to have been given to the Salvador Allende Foundation in Santiago, Chile. (Source: Terrence O'Hara, "Allbrittons, Riggs to Pay Victims of Pinochet," Washington Post, February 26, 2005).

Disposition of Criminal Case(s):

A number of criminal proceedings had been instituted against Mr. Pinochet by the Chilean courts and by Spain's Fifth Central Magistrate of the National Court. (Source: Regina v. Bartle and the Commissioner of Police for the Metropolis and Others Ex Parte Pinochet (on appeal from a Divisional Court of the Queen's Bench Division), Opinions of the Lords of Appeal, November 25, 1998.)

Jurisdiction of Origin: Investigative Agency:

Unknown

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

Abogado Procuradora Fiscal - Santiago

Jurisdiction of Origin: Courts Involved:

Court of Appeals, Santiago

Jurisdiction of Asset Recovery: Investigative Agency:

Unknown

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

Unknown

Jurisdiction of Asset Recovery: Courts Involved:

Fifth Central Magistrate of the National Court

Documents:

Pinochet_Fundacionsalvadorallende_as_of_Mar_20_2011.pdf

Pinochet_Spain_Riggs_Bank_Wash_Post_Feb_26_2005.pdf

Pinochet_UK_R_v_Bartle_Ex_Parte_Pinochet_Extradition.pdf

Pinochet_US_Senate_Investigations_Mar_16_2005.pdf

Documents Links:

http://www1.worldbank.org/finance/star_site/documents/arw/Pinochet_Funda...

http://www1.worldbank.org/finance/star_site/documents/arw/Pinochet_Spain...

http://www1.worldbank.org/finance/star_site/documents/arw/Pinochet_UK_R_...

http://www1.worldbank.org/finance/star_site/documents/arw/Pinochet_US_Se...

Other Sources:

United States Senate Permanent Subcommittee on Investigations, Money Laundering and Foreign Corruption: Enforcement and Effectiveness of the Patriot Act, Supplemental Staff Report on the U.S. Accounts Used by Augusto Pinochet (March 16, 2005), accessed at

<http://levin.senate.gov/newsroom/supporting/2005/pinochetreport.pdf>;

Terrence O'Hara, "Allbrittons, Riggs to Pay Victims of Pinochet," Washington Post, February 26, 2005.

Salvador Allende Foundation website: <http://www.fundacionsalvadorallende.cl/>;

Regina v. Bartle and the Commissioner of Police for the Metropolis and Others Ex Parte Pinochet (on appeal from a Divisional Court of the Queen's Bench Division), Opinions of the Lords of Appeal, November 25, 1998, accessed at <http://www.publications.parliament.uk/pa/ld199899/ldjudgmt/jd981125/pino....>