

Frederick Jacob Titus Chiluba

Case ID:

ARW-68

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Zambia

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

President (1991-2002)

Jurisdiction of Asset Recovery:

United Kingdom

Jurisdiction of Asset Recovery ? Description:

Location of Recovery Effort, Asset Location / Alleged Asset Location

Asset Recovery Start:

2002

Asset Recovery End:

Ongoing

UNCAC Offenses Implicated:

Art.17

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Private Civil Action

Intl.Cooperation: MLAT/Letter of Request?:

Unknown

Basis for Intl Cooperation:

Unspecified

Contributing Factors in Asset Recovery:

Ongoing Case

Status of Asset Recovery :

Ongoing

Stage in Asset Recovery Chain:

Judgment by Court of First Instance

Agreement for Returned Assets:

Ongoing

Agreement for Returned Assets - Description:

NA

Case Summary:

As summarized in a 2009 report by Transparency International UK, "Civil proceedings were brought by Zambia in the High Court against Dr. Chiluba and nineteen of his alleged associates. The case in the London civil courts concerned three separate claims: The Zamtrop Conspiracy...The MOFED Claim...[which] ultimately failed...[and] The BK Conspiracy....On May 4, 2007, Zambia obtained judgment against Dr. Chiluba and some of his co-defendants for about U.S. \$46 million. Judgment was obtained against Dr. Chiluba's lawyer Iqbal Meer....However, on 31 July 2008 Mr Meer successfully appealed the judgment against him, persuading the Court of Appeal that he had not known or suspected the

dishonesty of his clients." (Sources: Transparency International UK, "Combating Money Laundering and Recovering Looted Gains: Raising the UK's Game, June 2009; AG of Zambia v Meer Care & Desai and others [2007] EWHC 952 (Ch) and [2007] EWHC 1540 (Ch). See also, AG of Zambia v. Meer Care & Desai and others [2008] EWCA Civ 1007 (31 July 2008), paragraph 6 description of the Zamtrop account and paragraph 8 description of the BK conspiracy.)

Disposition of Criminal Case(s):

According to the New York Times, Mr. Chiluba was acquitted on August 18, 2009 by a court in Lusaka, Zambia. (Source: Celia W. Dugger, "Former President of Zambia Is Acquitted," New York Times, August 18, 2009.)

Jurisdiction of Origin: Investigative Agency:

Task Force on Corruption (established 2002)

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

Attorney General of Zambia

Jurisdiction of Origin: Courts Involved:

[Lusaka, Zambia]

Jurisdiction of Asset Recovery: Investigative Agency:

Serious Fraud Office; Office for the Supervision of Solicitors; Grant Thornton (asset tracing, on behalf of Zambia and some of the defendants)

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

DLA Piper UK LLP (Michael Sullivan Q.C. and Hannah Brown) (representing Government of Zambia)

Jurisdiction of Asset Recovery: Courts Involved:

England and Wales High Court; Court of Appeal

Documents:

Chiluba_Acquittal_NYT_Aug_18_2009.pdf

Chiluba_KABWE_and_CHUNGU_v_United_Kingdom_29647_08_2010_ECHR_251_2_Feb_2010.rtf

Chiluba_UK_[2007] EWHC 952 (Ch).doc

Chiluba_UK_[2008] EWCA Civ 1007_July_31_2008.docx

Transparency_Intl_UK_Recovering_Looted_Gains_June_2009.pdf

Documents Links:

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

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

[http://www1.worldbank.org/finance/star_site/documents/arw/Chiluba_UK_\[2007\] EWHC 952](http://www1.worldbank.org/finance/star_site/documents/arw/Chiluba_UK_[2007] EWHC 952)

(Ch).doc [http://www1.worldbank.org/finance/star_site/documents/arw/Chiluba_UK_\[2008\]](http://www1.worldbank.org/finance/star_site/documents/arw/Chiluba_UK_[2008])

[EWCA Civ 1007_July_31_2008.docx](http://www1.worldbank.org/finance/star_site/documents/arw/Chiluba_UK_[2008] EWCA Civ 1007_July_31_2008.docx)

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

Other Sources:

AG of Zambia v. Meer Care and Desai and others [2008] EWCA Civ. 1007, [2007] EWHC 952 (Ch) and other decisions in the case, available at www.bailii.org (British and Irish Legal Information Institute);

Transparency International UK report, "Combating Money Laundering and Recovering Looted Gains: Raising the UK's Game," (June 2009) which can be downloaded at <http://www.transparency.org.uk/publications>, box on right, "Recommended Reading."

See also, *Faustin M. Kabewe and Aaron Chungu v. the United Kingdom*, 2967/08 [2010] ECHR 251 (2 February 2010), at <http://bailii.org/eu/cases/ECHR/2010/251.html>.

Celia W. Dugger, "Former President of Zambia Is Acquitted," *New York Times*, August 18, 2009, accessed at <http://www.nytimes.com/2009/08/18/world/africa/18zambia.html>.