

Haiti Teleco / Robert Antoine / Joel Esquenazi / Carlos Rodriguez / Juan Diaz

Case ID:

ARW-72

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Haiti

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

Director of International Affairs, Haiti Teleco (2001-2003)

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; Criminal Restitution

Intl.Cooperation: MLAT/Letter of Request?:

Unknown

Basis for Intl Cooperation:

Cooperation in investigation but mechanism unknown

Contributing Factors in Asset Recovery:

Antonio Perez (Controller of the Bribe Giver company) pleaded guilty in April 2009 and named Mr. Antoine as a recipient of the bribes. Assistance provided by a number of Government of Haiti's investigative agencies was acknowledged by the U.S. Department of Justice. Source: U.S. Department of Justice Press Release, "Ex funcionario gubernamental de Haiti sentenciado a prision por su papel en conspiracion de lavado de dinero relacionada con ardid de soborno en el extranjero," June 2, 2010, posted at <http://www.justice.gov/opa/pr/2010/June/10-crm-639-spanish.html>.); Close and specific collaboration among the U.S. authorities and Haitian authorities such as the financial intelligence unit, national police and the Ministry of Justice and Public Security (Source: StAR Asset Recovery Handbook (December 2010), "Box 9.5 Important Role of the Jurisdiction Harmed by Corruption -- A Case Example from Haiti," at 183.)

Status of Asset Recovery :

Ongoing

Stage in Asset Recovery Chain:

Final Judgment (No Appeal)

Agreement for Returned Assets:

Ongoing

Agreement for Returned Assets - Description:

NA

Case Summary:

\$1,852,209.39 in restitution was ordered as part of Mr. Antoine's judgment in a criminal case heard in U.S. District Court for the Southern District of Florida. A discussion between the U.S. and Haitian authorities regarding the sharing of the proceeds is ongoing, as of December 2010. (Source: StAR Asset Recovery Handbook (December 2010), "Box 9.5 Important Role of the Jurisdiction Harmed by Corruption -- A Case Example from Haiti," at 183. The judgment in Mr. Antoine's case noted "see victims list" but this was not available through Pacer.) In its press release, the U.S. Department of Justice acknowledged the assistance by various agencies of the Government of Haiti in the investigation. (Sources: U.S. v. Joel Esquenazi, Carlos Rodriguez, Robert Antoine, Jean Rene Duperval and Marguerite Grandison, Case No. 09-CR-21010-JEM (S.D. Fla.), Indictment filed December 4, 2009; U.S. v. Robert Antoine, et al, Case No. 1:09-21010-CR-MARTINEZ-3 (S.D. Fla.), Order of Forfeiture filed on June 2, 2010; U.S. v. Robert Antoine, Case No. 1:09-21010-CR-MARTINEZ-3 (S.D. Fla.), Judgment in a Criminal Case, filed on June 9, 2010.) On November 3, 2011, Mr. Esquenazi and Mr. Rodriguez were sentenced to pay \$2.2 million in restitution (joint and several liability with one another and with their other co-defendants Antoine Perez and Jean Fourcand) in the same case. (US v. Esquenazi and U.S. v. Rodriguez, Case No. 09-cr-21020-JEM (S.D. Fla.), Amended Judgment in a Criminal Case filed November 3, 2011.) On August 4, 2010, Juan Diaz, a defendant in a related case, was also ordered to pay restitution in the amount of \$73,824.20 to the Government of Haiti. (US v. Diaz, Case No. 09-cr-20346-JEM (S.D. Fla.), Judgment in a criminal case and sentencing hearing transcript, both filed August 5, 2010.)

Disposition of Criminal Case(s):

According to the U.S. Department of Justice press release, Mr. Antoine pleaded guilty on March 12, 2010, to conspiracy to commit money laundering. (Source: U.S. Department of Justice Press Release, " Former Haitian Government Official Sentenced to Prison for His Role in Money Laundering Conspiracy Related to Foreign Bribery Scheme," June 2, 2010.)

Jurisdiction of Origin: Investigative Agency:

Haiti's financial intelligence unit, the Unite Centrale de Renseignements Financiers (UCREF), the Bureau des Affaires Financieres et Economiques (BAFE), which is a specialized component of the Haitian National Police, and the Ministry of Justice and Public Security

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

NA

Jurisdiction of Origin: Courts Involved:

NA

Jurisdiction of Asset Recovery: Investigative Agency:

Internal Revenue Service, Criminal Investigations - Miami Field Office

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

U.S. Attorney for the Southern District of Florida; Department of Justice, Criminal Division, Fraud Section

Jurisdiction of Asset Recovery: Courts Involved:

U.S. District Court for the Southern District of Florida

Documents:

Antoine_StAR_Handbook_Haiti_Teleco.pdf






Antoine_US_Factual_Agreement_Mar_12_2010.pdf

Antoine_US_Forfeiture_Order_Jun_2_2010.pdf

Antoine_US_Indictment_Dec_4_2009.pdf

Antoine_US_Sentencing_DOJ_PR_Jun_2_2010.pdf
Haiti_Teleco_Diaz_Judgment_Aug_2010
Haiti_Teleco_Diaz_Sentencing_Hearing_Transcript_Aug_2010
Haiti_Teleco_Esquenazi_Amended_Judgment_Nov_3_2011
Haiti_Teleco_Rodriguez_Amended_Judgment_Nov_3_2011

Documents:

Attachment	Size
 Diaz_DOJ_Factual_Agreement_May_18_2009.pdf	139.36 KB
 Haiti_Teleco_Diaz_Judgment_Aug_2010.pdf	240.93 KB
 Haiti_Teleco_Diaz_Sentencing_Hearing_Transcript_Aug_2010.pdf	115.76 KB
 Haiti_Teleco_Esquenazi_Amended_Judgment_Nov_3_2011.pdf	429.88 KB
 Haiti_Teleco_Rodriguez_Amended_Judgment_Nov_3_2011.pdf	487.47 KB

Other Sources:

U.S. v. Joel Esquenazi, Carlos Rodriguez, Robert Antoine, Jean Rene Duperval and Marguerite Grandison, Case No. 09-CR-21010-JEM (S.D. Fla.), Indictment filed December 4, 2009 and Factual Agreement filed March 12, 2010; U.S. v. Robert Antoine, et al, Case No. 1:09-21010-CR-MARTINEZ-3 (S.D. Fla.), Order of Forfeiture filed on June 2, 2010; U.S. v. Robert Antoine, Case No. 1:09-21010-CR-MARTINEZ-3 (S.D. Fla.), Judgment in a Criminal Case, filed on June 9, 2010; U.S. Department of Justice Press Release, " Former Haitian Government Official Sentenced to Prison for His Role in Money Laundering Conspiracy Related to Foreign Bribery Scheme," June 2, 2010, accessed at <http://www.justice.gov/opa/pr/2010/June/10-crm-639.html>. See also, StAR Asset Recovery Handbook (December 2010), "Box 9.5 Important Role of the Jurisdiction Harmed by Corruption - A Case Example from Haiti," at 183; US v. Esquenazi and U.S. v. Rodriguez, Case No. 09-cr-21020-JEM (S.D. Fla.), Amended Judgment in a Criminal Case filed November 3, 2011; US v. Diaz, Case No. 09-cr-20346-JEM (S.D. Fla.), Judgment in a criminal case and sentencing hearing transcript, both filed August 5, 2010.