

## Hendra Rahardja

**Case ID:**

ARW-75

**Jurisdiction of Origin of Public Official or Entity Allegedly Involved:**

Indonesia

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

President / CEO of PT Bank Harapan Sentosa (?-1997)

**Jurisdiction of Asset Recovery:**

Australia

**Jurisdiction of Asset Recovery ? Description:**

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

**Asset Recovery Start:**

1991

**Asset Recovery End:**

2008

**UNCAC Offenses Implicated:**

Art.17

Art.23

**Money laundering Implicated:**

Yes

**Legal Basis for Asset Recovery:**

Non-Conviction Based Confiscation; Other

**Intl.Cooperation: MLAT/Letter of Request?:**

MLAT

**Basis for Intl Cooperation:**

Unspecified

**Contributing Factors in Asset Recovery:**

The Australian court decision noted that the Government of Hong Kong had provided evidence pursuant to Australia's Mutual Legal Assistance Treaty request (Source: CDPP - In the matter of S.19 of the Proceeds of Crime Act 2002; In the matter of Funds in a bank account; In the matter of Sunshine Worldwide Holdings Limited and South East Group Limited, 62 NSWLR 400 [2005])

**Status of Asset Recovery :**

Completed

**Agreement for Returned Assets:**

No

**Agreement for Returned Assets - Description:**

NA

**Case Summary:**

According to the March 1, 2005 Judgment by Australia's New South Wales Supreme Court, "It was contended that the crimes of the deceased Rahardja produced a total loss to the Central Bank of Indonesia of A\$390 million of which some A\$38.5 million came to Australia." (Source: CDPP - In the Matter of S.19 of the Proceeds of Crime Act 2002; In the Matter of Funds in a Bank Account; In the Matter of Sunshine Worldwide Holdings Limited and South East Group

Limited [2005] NSWSC 117.) According to a January 23, 2008 Jakarta Post article posted on the website of the Indonesian Embassy in Ottawa and citing an official of the Indonesian Justice and Human Rights Ministry, \$3 million was returned from Australia. Australia was said to also be helping repatriate another \$3 million from Hong Kong. Hendra Rahardja had fled to Australia, and was convicted in absentia in 2002 by Indonesia for misuse of Bank of Indonesia liquidity support funds. Indonesia had ordered him to pay \$280 million in indemnities. An Australian court decision in 2008 cited a 2003 affidavit by the Australian Federal Police investigator, who contended that some \$26 million in Hendra Rahardja's criminal proceeds were found to have come to Australia. [Source: CDPP - In the matter of S.19 of the Proceeds of Crime Act 2002; In the matter of Funds in a bank account; In the matter of Sunshine Worldwide Holdings Limited and South East Group Limited, 62 NSWLR 400 (2005), at para 29.] The website of the Attorney General of Australia noted that as part of Australia's Equitable Sharing Program established under United Nations Convention Against Corruption (UNCAC) provisions as well as Australia's Proceeds of Crime Act, \$493,647.07 was provided to the Indonesian Government for assistance in the Hendra Rahardja matter. (Source: [http://www.ag.gov.au/agd/WWW/ncphome.nsf/Page/POCA\\_funding\\_for\\_Non-Gover...](http://www.ag.gov.au/agd/WWW/ncphome.nsf/Page/POCA_funding_for_Non-Gover...))

**Disposition of Criminal Case(s):**

According to the March 1, 2005 Judgment by Australia's New South Wales Supreme Court, "The deceased [Hendra Rahardja] had been convicted in Indonesia on 18 March 2002 in absentia of charges relating to this matter and was sentenced to life imprisonment and fined 30 million rupiah." (Source: CDPP - In the Matter of S.19 of the Proceeds of Crime Act 2002; In the Matter of Funds in a Bank Account; In the Matter of Sunshine Worldwide Holdings Limited and South East Group Limited [2005] NSWSC 117.)

**Jurisdiction of Origin: Investigative Agency:**

Department of Justice of the Republic of Indonesia [extradition]

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

Unspecified

**Jurisdiction of Origin: Courts Involved:**

Unspecified

**Jurisdiction of Asset Recovery: Investigative Agency:**

Australian Federal Police

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

Commonwealth Director of Public Prosecutions; Attorney General

**Jurisdiction of Asset Recovery: Courts Involved:**

New South Wales Supreme Court [civil asset recovery]; Federal Court of Australia, New South Wales District Registry [extradition proceedings]

**Documents:**

Hendra\_Australia\_9WGLC+REPORT+Final1.doc

Hendra\_Australia\_62\_NSWLR\_400\_2005.pdf

Hendra\_Australia\_Indo\_Emb\_PR\_Death\_Jan\_27\_2003.pdf

Hendra\_Australia\_Indonesia\_Recover\_Jakarta\_Post\_Jan\_23\_2008.pdf

**Documents Links:**

[http://www1.worldbank.org/finance/star\\_site/documents/arw/Hendra\\_Austral...](http://www1.worldbank.org/finance/star_site/documents/arw/Hendra_Austral...)

[http://www1.worldbank.org/finance/star\\_site/documents/arw/Hendra\\_Austral...](http://www1.worldbank.org/finance/star_site/documents/arw/Hendra_Austral...)

[http://www1.worldbank.org/finance/star\\_site/documents/arw/Hendra\\_Austral...](http://www1.worldbank.org/finance/star_site/documents/arw/Hendra_Austral...)

[http://www1.worldbank.org/finance/star\\_site/documents/arw/Hendra\\_Austral...](http://www1.worldbank.org/finance/star_site/documents/arw/Hendra_Austral...)

**Other Sources:**

CDPP - In the matter of S.19 of the Proceeds of Crime Act 2002; In the matter of Funds in a bank account; In the matter of Sunshine Worldwide Holdings Limited and South East Group Limited, 62 NSWLR 400 [2005];

Abdul Khalik, "Indonesia Recovers \$3 million Bank Bosses Stashed in Australia," Jakarta Post, January 23, 2008, posted on the website of the Indonesian Embassy, Ottawa, at [http://www.indonesia-ottawa.org/information/details.php?type=news\\_copy&i...](http://www.indonesia-ottawa.org/information/details.php?type=news_copy&i...)

Working Group Report, Australia/ Indonesia Working Group on Legal Cooperation (Denpasar, 26-27 June 2006), accessed at "[http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/\(CFD7369FCAE9B8F32F341DBE097801FF\)~9WGLC+REPORT+Final1.doc/\\$file/9WGLC+REPORT+Final1.doc](http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/(CFD7369FCAE9B8F32F341DBE097801FF)~9WGLC+REPORT+Final1.doc/$file/9WGLC+REPORT+Final1.doc)"  
Cached";

Embassy of the Republic of Indonesia Canberra, "Press Release on the Death of Hendra Rahardja," No. 58/Pen/I/03, January 27, 2003.