

IBM / Banco de la Nacion Officials (Alfredo Adaco, Mario Dadone, Genaro Contartese, Hugo Gaggero)

Case ID:

ARW-81

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Argentina

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

Officials of State Owned Enterprise

Jurisdiction of Asset Recovery:

Switzerland

Jurisdiction of Asset Recovery ? Description:

Asset Location / Alleged Asset Location

Asset Recovery Start:

1994

Asset Recovery End:

2010

Ongoing

UNCAC Offenses Implicated:

Art.16

Art.19

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Criminal Prosecution and Forfeiture; Actions Initiated by Foreign Jurisdiction

Intl.Cooperation: MLAT/Letter of Request?:

MLAT

Basis for Intl Cooperation:

Unspecified

Contributing Factors in Asset Recovery:

Settlement agreement by defendants

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Assets Returned to Victim or Requesting Jurisdiction

Assets Returned (USD) - Description:

\$4,500,000

Agreement for Returned Assets:

No

Case Summary:

In June 1999, Switzerland returned \$4.5 million in suspected bribe funds to Argentina. (Source: Swiss Ministry of Foreign Affairs, September 30, 2009). According to a 2010 report by the Argentina's Ministry of Justice Office of Anticorruption report, total of \$18,286,683 were recovered in the related cases. (Source: Republic of Argentina, Ministerio de Justicia,

Seguridad y Derechos Humanos, Oficina anticorrupcion, "Recupero de Activos en Casos de Corrupcion," 2010, at 37-38.)

Disposition of Criminal Case(s):

According to a report by the Argentina's Ministry of Justice, the defendants in the case pleaded guilty. (Source: epublic of Argentina, Ministerio de Justicia, Seguridad y Derechos Humanos, Oficina anticorrupcion, "Recupero de Activos en Casos de Corrupcion," 2010, at <http://www.anticorrupcion.gov.ar/documentos/Recupero%20de%20Activos%20-%20%20...>) For information on IBM's U.S. cases, please see Shearman & Sterling law firm's Foreign Corruption Practices Act database at <http://fcpa.shearman.com/index.php>.

Jurisdiction of Origin: Investigative Agency:

Unspecified

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

Ministerio Publico Procuracion General de la Nacion

Jurisdiction of Origin: Courts Involved:

Cámara de Casación penal.

Jurisdiction of Asset Recovery: Investigative Agency:

Unspecified

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

Unspecified

Jurisdiction of Asset Recovery: Courts Involved:

Unspecified

Documents:





IBM_Switzerland_ACCA_2001.pdf

IBM_Banco_Nacion_Status_Lanacion_Mar_2011

Transparency_Intl_Progress_Report_on_OECD_Convention_Enforcement_July2011

IBM_Banco_Nacion_Argentina_Plea_Agreement

Documents:

Attachment	Size
 IBM_Banco_Nacion_Status_Lanacion_Mar_2011.pdf	60.07 KB
 IBM_Banco_Nacion_Argentina_Plea_Agreement.pdf	286.17 KB
 Transparency_Intl_Progress_Report_on_OECD_Convention_Enforcement_July2011.pdf	775.95 KB
 Recupero de Activos - form red.pdf	1.39 MB

Documents Links:

Other Sources:

Swiss Ministry of Foreign Affairs, September 30, 2009; American Corporate Counsel Association, 2001 Annual Meeting report, "605 Current Challenges to Complying with the Foreign Corrupt Practices Act," at 18-19, last accessed on October 12, 2010 at <http://www.acc.com/vl/public/ProgramMaterial/loader.cfm?csModule=securit...> Phone interview with Argentine Attorney (November 2010). See also, La Nacion, "Jueces y personajes que se repiten," March 9, 2011, accessed at <http://www.lanacion.com.ar/1355847-jueces-y-personajes-que-se-repiten>; Transparency International, Progress Report 2011, Enforcement of the OECD Anti-Bribery Convention, "Argentina," at 14-15, accessed at http://www.transparency.org/publications/publications/conventions/oecd_r...

and plea agreement between government of Argentina and Banco de la Nacion defendants, accessed at <http://www.mpf.gov.ar/biblioteca/newsletter/n176/ibm-acta-acuerdo-defini...> Republic of Argentina, Ministerio de Justicia, Seguridad y Derechos Humanos, Oficina anticorrupcion, "Recupero de Activos en Casos de Corrupcion," 2010, at <http://www.anticorrupcion.gov.ar/documentos/Recupero%20de%20Activos%20-%20...>