

## Pavel Borodin

**Case ID:**

ARW-150

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

Russian Federation

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

State Secretary of the Union of Russia and Belarus (inclusive 2000-2001); Chief of the Administrative Directorate of the Russian Federation (?-2000)

**Jurisdiction of Asset Recovery:**

Switzerland

**Jurisdiction of Asset Recovery ? Description:**

Undertaking Recovery Effort, Location of Recovery Effort

**Asset Recovery Start:**

2000

**Asset Recovery End:**

2002

**UNCAC Offenses Implicated:**

Art.16

Art.23

**Money laundering Implicated:**

Yes

**Legal Basis for Asset Recovery:**

Criminal Prosecution; Criminal Fine

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

MLAT

**Basis for Intl Cooperation:**

European Convention on Mutual Legal Assistance in Criminal Matters (Switzerland - Requesting State; Russia - Requested State)

**Status of Asset Recovery :**

Ongoing

**Stage in Asset Recovery Chain:**

Final Judgment (No Appeal)

**Assets Adjudicated, Not Yet Returned - Description:**

[fine ordered but unknown if paid]

**Agreement for Returned Assets:**

No

**Agreement for Returned Assets - Description:**

N/A

**Case Summary:**

According to a December 19, 2000 Press Release by the Swiss Federal Department of Justice and Police, the Swiss authorities requested and received from the Russian Federation, mutual legal assistance in the investigation of Mr. Borodin's case. (Source: Swiss Federal Department of Justice and Police Press Release, Bundesanwaltschaft stellt Rechtshilfe der Schweiz an Russland im Strafverfahren <> ein," December 19, 2000, accessed at <http://www.ejpd.admin.ch/content/ejpd/de/home/dokumentation/mi/2000/2000....>)

According to a Swiss Federal Office of Justice Press Release of February 5, 2001, Switzerland sought Mr. Borodin's extradition from the U.S., stating that "The request is based on two arrest warrants issued on 10 January 2000 and on 24 January 2001, respectively, by the Geneva Examining Magistrates, who are conducting a criminal proceeding against Borodin on account of money laundering and participation in a criminal organisation." (Source: Swiss Federal Department of Justice and Police Press Release, "Switzerland asks the US to extradite Borodin," February 5, 2001.) According to the St. Petersburg Times, in March 2002, a judgment was entered in Switzerland against Mr. Borodin on a money laundering charge and he was fined \$177,000. The article reported Mr. Borodin's attorneys as stating that he would not appeal the decision because he did not "recognize the court's jurisdiction." (Source: Robin Munro, "Convicted Borodin Will Defy Swiss Courts," St. Petersburg Times, March 19, 2002). According to the article, Mr. Borodin's case dates back to 2000, when Swiss authorities accused him of receiving \$30 million in kickbacks from two Swiss companies (Mabetex and Mercata) involved in the renovation of the Kremlin, and funneling the proceeds through entities owned by him or his family members. The Swiss issued an international arrest warrant, and in 2001, he was arrested as he sought to enter the U.S. and subsequently extradited to Switzerland. (Source: Pavel Borodin (petitioner) v. Ashcroft (respondent), Case No. 01-civ-1433 (E.D.NY), Memorandum and Order March 21, 2001 (denying Mr. Borodin petition seeking release pending extradition hearing; also details allegations of Mr. Borodin's misuse of corporate vehicles made by the Swiss authorities as part of their formal extradition request.) According to the BBC, Mr. Borodin was briefly detained in Switzerland but returned to Russia after posting bail of \$3 million. The BBC stated that the Russian news agency, Interfax, quoted the deputy chief of the special investigations department of the Russian Prosecutor-General's Office, Ruslan Tamayev, as saying there was "no case" against Mr. Borodin. (Source: BBC News, "Moscow aide flies home on bail," April 13, 2001, accessed at <http://news.bbc.co.uk/2/hi/europe/1275813.stm>.)

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

According to the St. Petersburg Times, on March 19, 2002, a judgment was entered in Switzerland against Mr. Borodin on a money laundering charge and he was fined \$177,000. The article reported Mr. Borodin's attorneys as stating that he would not appeal the decision because he did not "recognize the court's jurisdiction." (Source: Robin Munro, "Convicted Borodin Will Defy Swiss Courts," St. Petersburg Times, March 19, 2002).

#### **Jurisdiction of Origin: Investigative Agency:**

Prosecutor General's Office, Moscow

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

Geneva Canton Police

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

[Public Prosecutor, Geneva, Switzerland, criminal prosecution] U.S. Attorney for the Southern District of New York (extradition)

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

Switzerland: Unspecified; U.S. District Court for the Southern District of New York (extradition)

#### **Documents:**

Borodin\_Swiss\_Assistance\_Request\_to\_Russia\_EJPD\_Dec\_19\_2000.pdf

Borodin\_Swiss\_EJPD\_Press\_Release\_Ask\_US\_Extradite\_Feb\_5\_2001.pdf

Borodin\_Switzerland\_Conviction\_StPetersburg\_Times\_Mar\_19\_2002.pdf

Borodin\_Switzerland\_Flies\_Home\_BBC\_Apr\_13\_2001.pdf

Borodin\_US\_Extradition\_Memorandum\_Order\_Mar\_21\_2001.pdf

Borodin\_US\_Jail\_Pending\_Extradition\_BBC\_Jan\_19\_2001.pdf

#### **Documents Links:**

#### **Other Sources:**

Swiss Federal Department of Justice and Police Press Release, Bundesanwaltschaft stellt Rechtshilfe der Schweiz an Russland im Strafverfahren <> ein," December 19, 2000, accessed at <http://www.ejpd.admin.ch/content/ejpd/de/home/dokumentation/mi/2000/2000...> Swiss Federal Department of Justice and Police Press Release, "Switzerland asks the US to extradite Borodin," February 5, 2001, accessed at [http://www.ejpd.admin.ch/content/ejpd/en/home/dokumentation/mi/2001/ref\\_....](http://www.ejpd.admin.ch/content/ejpd/en/home/dokumentation/mi/2001/ref_....) The St. Petersburg Times, "Convicted Borodin Will Defy Swiss Court," March 19, 2002; BBC News, "Moscow aide flies home on bail," April 12, 2001; BBC News, "Yeltsin aide held in U.S. jail," January 19, 2001. See also, Pavel Borodin (petitioner) v. Ashcroft (respondent), Case No. 01-civ-1433 (E.D.N.Y.), Memorandum and Order filed on March 21, 2001 (denying Borodin petition seeking release pending extradition hearing).