

Pavel Lazarenko (United States Civil Asset Forfeiture Case)

Case ID:

ARW-155

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Ukraine

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

Member of Parliament (1998); Prime Minister (1996-1997); First Vice Prime Minister (1995-1996); various government and political positions, Dnepropetrovsk region (1992-1995)

Jurisdiction of Asset Recovery:

United States

Jurisdiction of Asset Recovery ? Description:

Undertaking Recovery Effort, Location of Recovery Effort

Asset Recovery Start:

2005

Asset Recovery End:

Ongoing

UNCAC Offenses Implicated:

Art.15

Art.17

Art.18

Art.20

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Non-Conviction Based Confiscation

Intl.Cooperation: MLAT/Letter of Request?:

Unknown

Basis for Intl Cooperation:

Investigatory cooperation but exact mechanism unknown

Contributing Factors in Asset Recovery:

Ongoing Case

Status of Asset Recovery :

Ongoing

Stage in Asset Recovery Chain:

Before Court of First Instance

Agreement for Returned Assets:

Ongoing

Agreement for Returned Assets - Description:

N/A

Case Summary:

As of June 2016, the case was ongoing against approximately \$271 million and additional

unspecified amounts held in accounts in financial institutions in Guernsey, Antigua and Barbuda, Switzerland, Liechtenstein and Lithuania. (Source: U.S. v. All Assets Held in Julius Baer, et al, Case. No. 1:04-cv-00798-PLF (D.D.C.), Court Docket Report as of June 20, 2016.)

On May 14, 2004, the U.S. filed a civil asset forfeiture suit, seeking to forfeit more than \$250 million which the government alleged were illegal proceeds of criminal activities by Mr. Lazarenko and his associates. The U.S. government also alleged that the assets were obtained through the abuse of public office and illegally transported and/or laundered through the abuse of financial institutions in the United States, and were located in in foreign bank accounts in Guernsey, Antigua & Barbuda, Switzerland, Lithuania and Liechtenstein.(Source: U.S. v. All Assets Held in Julius Baer, et al, Case. No. 1:04-cv-00798-PLF (D.D.C.), Verified Claim for Forfeiture In Rem filed on May 14, 2004 and First Amended Verified Claim for Forfeiture In Rem filed on June 30, 2005.) On May 20, 2004, a Restraining Order was issued against the defendant accounts. (Source: U.S. v. All Assets Held in Julis Baer, et al, Case No. 1:04-cv-00798-PLF (D.D.C.), which stipulated that "terms of Order shall remain in full force and effect until the judgment rendered in the case or further Order of the court.") Actions against some of the assets were terminated in June 2005.

Disposition of Criminal Case(s):

According to the U.S. Department of Justice Press Release dated November 19, 2009, Mr. Lazarenko was sentenced to 97 months in prison, subsequent to his conviction on eight counts of money laundering. (Source: U.S. Department of Justice, "Former Ukrainian Prime Minister Sentenced to 97 Months in Prison," November 19, 2009.) According to BBC News, Mr. Lazarenko was convicted in Switzerland, in June 2000, on money laundering charges. (Sources: BBC News, "The case against Lazarenko," August 25, 2006. See also, Swiss court decisions: BGer 125 II 356 (excerpt, judgment of 25 June 1999) and BGer 125 II 238 (excerpt, judgment of 8 April 1999), both of Canton of Geneva, administrative law court).

Jurisdiction of Origin: Investigative Agency:

Prosecutor General

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

Prosecutor General

Jurisdiction of Origin: Courts Involved:

Unspecified

Jurisdiction of Asset Recovery: Investigative Agency:

Federal Bureau of Investigation; Internal Revenue Service, Criminal Investigations

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

U.S. Department of Justice, Criminal Division, Asset Forfeiture and Money Laundering Section

Jurisdiction of Asset Recovery: Courts Involved:

U.S. District Court for the District of Columbia

Documents:

Lazarenko_US_DDC_Amended_Complaint_Jun_30_2005.pdf

Lazarenko_US_DDC_Notice_Errata_First_Amended_Complaint_Jan_21_2011.pdf

Lazarenko_US_DDC_Restraint_Order_May_20_2004.pdf

Lazarenko_US_DDC_Verified_Complaint_May_14_2004.pdf

Documents Links:

Other Sources:

U.S. v. All Assets Held in Julius Baer, et al, Case. No. 1:04-cv-00798-PLF (D.D.C.), Verified Claim for Forfeiture In Rem filed on May 14, 2004; First Amended Verified Claim for Forfeiture In Rem filed on June 30, 2005 and Notice of Errata for First Amended Verified Claim for Forfeiture In Rem filed on January 21, 2011; Restraining Order filed on May 20, 2004; Court

Docket Report as of June 20, 2016.