

Muammar el-Qaddafi / Saadi Quaddafi / London Mansion Case

Case ID:

ARW-137

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Libya

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

President (1969-2011)

Jurisdiction of Asset Recovery:

United Kingdom

Jurisdiction of Asset Recovery ? Description:

Location of Recovery Effort, Asset Location / Alleged Asset Location

Asset Recovery Start:

2011

UNCAC Offenses Implicated:

Art.17

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Private Civil Action

Contributing Factors in Asset Recovery:

The case marks the first international asset recovery by Libya; contributing factors included (1) media publicity surrounding the purchase of the mansion by Mr. Qaddafi's son; (2) wide disparity between Mr. Saadi Qaddafi's official salary as a member of the armed forces and the purchase price of the mansion, as well as strict bar on ownership of foreign property by members of Libyan armed forces; and (3) failure of Mr. S. Qaddafi and Capitana Seas Limited to appear and challenge the suit. (Source: Phone interview with Libya's UK attorney in the suit.)

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Assets Returned to Victim or Requesting Jurisdiction

Agreement for Returned Assets:

No

Agreement for Returned Assets - Description:

N/A

Case Summary:

According to a Judgment by the United Kingdom's High Court of Justice, Libya was granted a default judgment against Capitana Seas Limited, the legal owner of a mansion located at 7 Winnington Close, Hampstead Gardens Suburb, London N2 0UA. The Justice in the case wrote, "I am satisfied, on the evidence which has been put before me, that Saadi Quaddafi is the sole ultimate beneficial owner of the Defendant company [Capitana Seas Limited] [and that] the property was wrongfully and unlawfully purchased with funds belonging to [Libya]. In

those circumstances, the beneficial interest in the property is held by the Defendant, for the Claimant, as constructive trustees." (Source: *Between The State of Libya and Capitana Seas Limited*, [2012] EWHC 602 (Com).] The British media had reported on the purchase of the mansion by Capitana Seas Limited, a British Virgin Islands registered entity, and when sanctions were imposed against Mr. Qaddafi's assets in the UK, the property was included on the sanctions list. (Source: Libya's UK attorney in the case; see also, Christopher Leake and Daniel Bouffe, "Colonel Gaddafi's son buys £10m Hampstead mansion," MailOnline, August 23, 2009.)

Disposition of Criminal Case(s):

Mr. Qaddafi passed away on October 20, 2011 (Source: New York Times, "Muammar el Qaddafi"); as of October 31, 2011 cases in investigatory stage as to other individuals and entities.


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

Mohamed Shaban (MS- Legal Solicitors)

Jurisdiction of Asset Recovery: Courts Involved:

High Court of Justice, Commercial Cour

Documents:

Attachment	Size
 Libya_v_Capitana_Seas_UK_High_Ct_Judgment_Mar_2012.pdf	102.34 KB

Other Sources:

Between The State of Libya and Capitana Seas Limited, [2012] EWHC 602 (Com); Christopher Leake and Daniel Bouffe, "Colonel Gaddafi's son buys £10m Hampstead mansion," MailOnline, August 23, 2009, accessed at <http://www.dailymail.co.uk/news/article-1208434/Gaddafi-son-buys-10m-Hampstead-mansion.html>; Phone interview with Libya's UK attorney (October 2012)