

## Vitol S.A.

**Case ID:**

ARW-190

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

Switzerland

United States

**Jurisdiction of Asset Recovery:**

Iraq [Development Fund for Iraq]

**Jurisdiction of Asset Recovery ? Description:**

Undertaking Recovery Effort, Location of Recovery Effort (United States)

**Asset Recovery Start:**

2007

**Asset Recovery End:**

2007

**UNCAC Offenses Implicated:**

Art.16

**Money laundering Implicated:**

No

**Legal Basis for Asset Recovery:**

Criminal Prosecution and Restitution

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

Unknown

**Basis for Intl Cooperation:**

Unspecified

**Contributing Factors in Asset Recovery:**

Restitution to the People of Iraq via the Development Fund of Iraq was part of the plea agreement by Vitol SA and the New York County District Attorney's Office. (Source: New York County District Attorney's Office News Release on Vitol S.A., November 20, 2007.)

**Status of Asset Recovery :**

Completed

**Stage in Asset Recovery Chain:**

Assets Returned to Victim or Requesting Jurisdiction

**Agreement for Returned Assets:**

Yes

**Agreement for Returned Assets - Description:**

Restitution to people of Iraq via Development Fund of Iraq

**Case Summary:**

According to the United States report to the OECD on enforcement of foreign bribery actions, "[i]n 2007, the Manhattan (NY) District Attorney's Office charged Vitol, S.A. (Vitol), a Swiss oil trading firm, with Grand Larceny in the First Degree for its involvement in a scheme to pay kickbacks to Iraq in connection with oil purchases made under the United Nations Oil-for-Food Program (OFFP). According to court documents, while the OFFP was in effect, Vitol purchased Iraqi crude oil first as direct purchaser and later from third-parties. In June 2001, after an OPEC meeting, an agent of VITOL was told by Iraqi officials that surcharges had to be paid in order for Iraqi crude oil to be lifted. Over the next year, VITOL paid or caused

surcharges to be paid on certain oil purchases in two ways. In direct purchases, VITOL had an associated entity called Vitol Bahrain send the surcharge monies to accounts controlled by the Iraqi regime. In indirect purchases, VITOL financed the purchase of oil through third parties who then paid the surcharge to the Iraqi regime. VITOL did not inform the UN about the surcharge payments. During the period from June 2001 through September 2002, approximately \$13,000,000 in surcharge monies were paid directly to the Iraqi regime in connection with crude oil purchased directly or indirectly by VITOL. [ ] On November 20, 2007, Vitol pleaded guilty and was sentenced to pay restitution of \$13 million to the Iraqi people through the Development Fund for Iraq, in addition to a payment of \$4.5 million in lieu of fines, forfeiture and to cover the costs of prosecution." (Source: United States Department of Justice Report to the OECD, "Summaries of Foreign Corrupt Practices Act Enforcement Actions by the United States, January 1, 1998 ? February 10, 2012," Vitol S.A. matter at 101-102.)

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

In 2007, Vitol S.A. pleaded guilty to a charge of Grand Larceny for its misconduct in the UN Oil-for-Food scheme. (Source: New York County District Attorney's Office News Release on Vitol S.A., November 20, 2007.)

**Jurisdiction of Origin: Investigative Agency:**

New York County District Attorney's Office


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

New York County District Attorney's Office

**Jurisdiction of Origin: Courts Involved:**

New York State Supreme Court

**Documents:**

<b>Attachment</b>	<b>Size</b>
 2013-02-25-steps-taken-oecd-anti-bribery-convention-us.pdf	1.2 MB

**Other Sources:**

New York County District Attorney's Office News Release on Vitol S.A., November 20, 2007; United States Department of Justice Report to the OECD, "Summaries of Foreign Corrupt Practices Act Enforcement Actions by the United States, January 1, 1998 ? February 10, 2012," Vitol S.A. matter at 101-102, accessed at <http://www.justice.gov/criminal/fraud/fcpa/docs/2012-02-29-steps-taken-oecd-anti-bribery-convention.pdf>.