

Alcatel-Lucent CIT / Christian Sapsizian and Edgar Valverde Acosta (Matter #73)

Case ID:

ST-23

Case Cluster :

Alcatel-Lucent S.A.

Jurisdiction of Settlement:

United States

Jurisdiction of Settlement / Enforcement Agency:

Department of Justice

Jurisdiction of Foreign Public Official(s) :

Costa Rica

Year of Settlement:

2007

Month/Day of Settlement (or Notes):

06/06

Other Jurisdictions of Settlement:

Unknown

Settlement with Individual or Legal Person?:

Individual

Type of Settlement:

Criminal

Legal Form of Settlement:

Guilty Plea

Monetary Sanctions (Types):

Criminal Forfeiture

Total Monetary Sanctions (US\$):

\$261,500.00

Criminal Fine/Penalty (US\$) :

\$0

Criminal Forfeiture / Confiscation (US\$):

\$261

500

Monetary Sanctions Returned / Ordered Returned (US\$):

\$0

UNCAC Articles(s) Implicated:

Art.16

Art.23

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 7

Offenses - Alleged:

Bribery of Foreign Officials

Offenses - Settled:

Bribery of Foreign Officials

Public Procurement Contract / SOE Involved?:

Yes

Summary:

According to a September 23, 2008 US Department of Justice Press Release on sentencing of Christian Sapsizian, a French citizen and deputy vice president of Latin America for Alcatel CIT, Sapsizian admitted that between 2000 and September 2004, he conspired with Edgar Valverde Acosta, Alcatel's senior officer in Costa Rica, and others to make more than \$2.5 million in bribe payments to Costa Rican officials to obtain a telecommunications contract on behalf of Alcatel. In addition to a sentence of 30 months' imprisonment, Sapsizian was ordered by the U.S. District Court for the Southern District of Florida in Miami to forfeit \$261,500. The Department of Justice Press Release noted that "Substantial assistance was provided by the Southeast Regional Branch of the U.S. Securities and Exchange Commission, the Office of the Attorney General in Costa Rica, the Fiscalia de Delitos Economicos, Corrupcion y Tributarios in Costa Rica and French law enforcement authorities." (Sources: US Department of Justice Press Release, "Former Alcatel CIT Executive Sentenced for Paying \$2.5 million in Bribes to Senior Costa Rican Officials," September 23, 2008 and US v. Christian Sapsizian, Case No. 1:06-cr-20797-PAS (S.D.Fla.), Judgment in a Criminal Case filed September 25, 2008.) According to the June 2011 United States Report to the OECD, Valverde Acosta "is currently a fugitive." (Source: US Report to the Organisation for Economic Co-operation and Development, "Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions," Alcatel CIT (Matter #73) Case Summary at 111-112, accessed at <http://www.oecd.org/dataoecd/18/8/42103833.pdf>.) A May 31, 2011 Sworn Declaration by Edgar Valverde Acosta filed by the Institute Costarricense de Electricidad (ICE) noted that he was serving jail time in Costa Rica following his recent conviction in Costa Rica's criminal court, in connection with the Alcatel-Lucent case. (Source: US v. Alcatel-Lucent France S.A. et al, Case No. 1:10-cr-20906 and U.S. v. Alcatel-Lucent S.A., Case No. 1:10-cr-20907 (S.D.Fla.), Sworn Declaration of Edgar Valverde Acosta, May 31, 2011).

Sources :

US Report to the Organisation for Economic Co-operation and Development, "Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions," Alcatel CIT (Matter #73) Case Summary at 111-112, accessed at <http://www.oecd.org/dataoecd/18/8/42103833.pdf>. US v. Christian Sapsizian, Case No. 1:06-cr-20797-PAS (S.D.Fla.), Criminal Information filed December 5, 2006, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/sapsizianc/12-05-06sapsizian-complaint.pdf>; Superseding Indictment filed March 20, 2007, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/sapsizianc/03-22-07sapsizian-indict.pdf>; Plea Agreement of June 6, 2007, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/sapsizianc/06-06-07sapsizian-plea.pdf>; Factual Basis for the Plea, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/sapsizianc/06-06-07sapsizian-fact.pdf>; Judgment in a Criminal Case filed September 25, 2008, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/sapsizianc/09-25-08sapsizian-judgment.pdf>. US Department of Justice Press Release, "Former Alcatel CIT Executive Sentenced for Paying \$2.5 million in Bribes to Senior Costa Rican Officials," September 23, 2008, accessed at www.justice.gov/opa/pr/2008/September/08-crm-848.html. US v. Alcatel-Lucent France S.A. et al, Case No. 1:10-cr-20906 and U.S. v. Alcatel-Lucent S.A., Case No. 1:10-cr-20907 (S.D.Fla.), Sworn Declaration of Edgar Valverde Acosta, May 31, 2011 (accessed via Pacer).