

## **Alcatel-Lucent S.A. / Costa Rica Attorney General Civil Suit**

**Case ID:**

ST-26

**Case Cluster :**

Alcatel-Lucent S.A.

**Jurisdiction of Settlement:**

Costa Rica

**Jurisdiction of Settlement / Enforcement Agency:**

Office of the Attorney General; Fiscalía [Prosecutor] de Delitos Economicos, Corrupcion y Tributarios; Office of the Public Ethics Prosecutor

**Jurisdiction of Foreign Public Official(s) :**

Costa Rica

**Year of Settlement:**

2010

**Month/Day of Settlement (or Notes):**

01/20

**Other Jurisdictions of Settlement:**

United States

**Settlement with Individual or Legal Person?:**

Legal Person

**Type of Settlement:**

Civil

**Legal Form of Settlement:**

Settlement Agreement

**Monetary Sanctions (Types):**

Civil Restitution

**Total Monetary Sanctions (US\$):**

\$10,000,000.00

**Civil Disgorgement of Profits (US\$) :**

\$0

**Civil Prejudgment Interest (US\$) :**

\$0

**Civil Fine / Penalty (US\$):**

\$0

**Other Civil Monetary Sanctions (US\$):**

\$10

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

\$10,000,000

**Monetary Sanctions Returned / Ordered Returned (Explanation):**

Enforcement by "Affected" Jurisdiction

**UNCAC Articles(s) Implicated:**

Art.16

Art.26

**OECD Anti-Bribery Convention Articles Implicated:**

Art. 1, Art. 2

**Offenses - Alleged:**

Corrupt Payments; Causing Social Damage to Costa Rica

**Offenses - Settled:**

Causing Social Damage to Costa Rica

**Public Procurement Contract / SOE Involved?:**

Yes

**Summary:**

According to the US Department of Justice Press Release, in addition to the settlements in the US, Alcatel-Lucent also "agreed to pay \$10 million to settle a corruption case brought by the Government of Costa Rica arising out of the bribery of Costa Rican officials by the company. The settlement marked the first time in Costa Rica's history that a foreign corporation agreed to pay the government damages for corruption." (Source: US Department of Justice Press Release, "Alcatel-Lucent S.A. and Three Subsidiaries Agree to Pay \$92 Million to Resolve Foreign Corrupt Practices Act Investigation," December 27, 2010.) Alcatel-Lucent had also issued a statement that the payment was made to the Costa Rican government for "social damages," to settle a civil suit filed on November 25, 2004 (amended subsequently) by the Attorney General of Costa Rica. (Source: Alcatel-Lucent company statement, "Controversies: Costa Rica," September 10, 2010, at <http://www.alcatel-lucent.com/csr/htm/en/home.html>.) The Settlement is detailed in Office of the Attorney General of the Republic, Request for Recognition of Settlement Agreement, filed in Case No. 04-6835-647-PE, Criminal Court of the II Judicial Circuit of San Jose (signed January 20, 2010), which was attached as Exhibit 1 of Government's Response to ICE's Petition for Victim Status and Restitution, in US v. Alcatel-Lucent France, S.A., et al, Case No. 1:10-cr-20906-MGC and US v. Alcatel-Lucent S.A., Case No. 1:10-cr-20907-MGC (S.D. Fla. May 23, 2011). According to the Request for Recognition of Settlement Agreement, "civil claim as well as the criminal prosecution against the other civil and criminal defendants in the case - including the former employees of Alcatel - just as indicated in the agreement, remain intact." The Settlement Agreement was undertaken pursuant to Article 219 of the Code of Civil Procedure, Articles 7 and 36 of the Code of Criminal Procedure, and Articles 1367 et seq. of the Civil Code. See also report by the Attorney General of Costa Rica: Procuradora General de la Republica, Informe de Gestion 2004-2010, at 32-33, accessed at [http://www.pgr.go.cr/Informacion\\_General/Informe%20de%20Gestion%202004-2010.pdf](http://www.pgr.go.cr/Informacion_General/Informe%20de%20Gestion%202004-2010.pdf) [which states 13 million dollars obtained in both Fischel and Alcatel cases]


**Sources :**

US Department of Justice Press Release, "Alcatel-Lucent S.A. and Three Subsidiaries Agree to Pay \$92 Million to Resolve Foreign Corrupt Practices Act Investigation," December 27, 2010, accessed at <http://www.justice.gov/opa/pr/2010/December/10-crm-1481.html>; US v. Alcatel-Lucent France, S.A., et al, Case No. 1:10-cr-20906-MGC and US v. Alcatel-Lucent S.A., Case No. 1:10-cr-20907-MGC (S.D. Fla.), Office of the Attorney General of the Republic, Request for Recognition of Settlement Agreement, filed in Case No. 04-6835-647-PE, Criminal Court of the II Judicial Circuit of San Jose (signed January 20, 2010), which was attached as Exhibit 1 of Government's Response to ICE's Petition for Victim Status and Restitution filed May 23, 2011; Alcatel-Lucent Company Statement, "Controversies: Costa Rica," September 10, 2010, at <http://www.alcatel-lucent.com/csr/htm/en/home.html>; report by the Attorney General of Costa Rica: Procuradora General de la Republica, Informe de Gestion 2004-2010, at 32-33, accessed at [http://www.pgr.go.cr/Informacion\\_General/Informe%20de%20Gestion%202004-2010.pdf](http://www.pgr.go.cr/Informacion_General/Informe%20de%20Gestion%202004-2010.pdf).

**Documents:**

**Attachment****Size**

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 ICE_US_Opposition_Exhibit_1_Costa_Rica_Settlement_SDFLA_May_23_2011.pdf	4.78 MB
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