

BOX 9.5 Important Role of the Jurisdiction Harmed by Corruption—A Case Example from Haiti

From May 2001 to April 2003, Robert Antoine, the former director of international affairs for Haiti’s state-owned national telecommunications company, accepted bribes from three U.S. telecommunications companies and laundered the bribes through intermediaries.

Haiti was unable to proceed against Antoine or any of the intermediaries involved because it did not have sufficient legal provisions in place, including the necessary anti-corruption offense legislation and investigative tools required to establish an offense. Haitian authorities reviewed the case with U.S. personnel and ultimately decided that the best course of action would be to support a case initiated by the United States.

The United States initiated a case against Antoine for money laundering conspiracy in connection with the foreign bribery scheme and cases against the briber and the intermediaries for conspiracy to commit violations of the FCPA and money laundering. Haitian authorities collaborated by actively seeking and providing all evidence and expertise required by the U.S. prosecutors. Assistance was required from and provided by a range of authorities, including the financial intelligence unit, national police, and the Ministry of Justice and Public Security. Without that specific collaboration, it would have been impossible to proceed in the United States.

Antoine pleaded guilty to the offenses and was sentenced in June 2010 to 48 months in prison. He was ordered to pay $1,852,209 in restitution and more than $1,500,000 was confiscated. A discussion of the sharing of the proceeds is ongoing.

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Some jurisdictions will allow complainants and civil parties access to case information, including a copy of the case file. For example, if a prosecutor or investigating magistrate is appointed, a copy of the case file will be provided, on request, to attorneys representing victims who have joined the action as civil parties.272

9.4 Ensuring Recovery of Assets from the Foreign Jurisdiction

In some jurisdictions, the courts or other competent authorities will order victim restitution from any seized or restrained assets as part of the criminal proceeding. Such an order may take the form of an order for compensation, damages, or claims of legitimate ownership; and it can be awarded to a jurisdiction harmed by corruption.

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