

Vladimiro Montesinos / Marco Antonio Rodriguez Huerta

Case ID:

ARW-197

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Peru

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

De facto chief of intelligence and main advisor of former Peruvian President Alberto Fujimori (Montesinos, 1990-2000) / Brigadier General, Head of the Peruvian military and national Police Pension Fund (Huerta, 1995-1997)

Jurisdiction of Asset Recovery:

United States

Jurisdiction of Asset Recovery ? Description:

Undertaking Recovery Effort, Location of Recovery Effort, Asset Location / Alleged Asset Location

Asset Recovery Start:

2004

Asset Recovery End:

2009

UNCAC Offenses Implicated:

Art.15

Art.16

Art.17

Art.18

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Non-Conviction Based Confiscation; Actions Initiated by Foreign Jurisdiction

Intl.Cooperation: MLAT/Letter of Request?:

Unknown

Basis for Intl Cooperation:

Cooperation in investigation but mechanism unknown

Contributing Factors in Asset Recovery:

In furtherance of the U.S. investigation into the flow of illicit funds to the U.S. by Vladimiro Montesinos, Victor Alberto Venero Garrido, Marco Antonio Rodriguez Huerta and others, the Complaint in this case stated that the Federal Bureau of Investigation and Immigration and Customs Enforcement worked closely with Peruvian law enforcement and prosecutorial authorities involved in the investigation of the criminal conduct in Peru. A contingent of U.S. law enforcement agents and analysts travelled to Peru on a number of occasions. Vast amounts of information and documents, including witness statements were exchanged between the two countries. FBI and ICE also conducted additional witness interviews, both in Peru and in the U.S. (Source: U.S. v. Account No. 7630743391 et al, Case No. 1:04-cv-23073-PCH (S.D. Fla.), Complaint for Forfeiture In Rem filed on December 10, 2004.)

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 September 2, 2009 press release by the U.S. Department of Justice, more than \$750,000 in forfeited funds from Mr. Rodriguez Huerta's embezzlement scheme was transferred by the U.S. to the Government of Peru. The press release noted that, "The forfeited funds were taken from the private account of Marco Antonio Rodriguez Huerta, a former Peruvian Army General, who was also on the board of directors of the Peruvian Military and Police Pension Fund in 1996. According to court documents, by abusing those positions, Rodriguez Huerta was able to divert funds intended for use as retirement benefits for retired military and police officers into fraudulent real estate investments. These diverted funds were then transferred into the private accounts of Rodriguez Huerta and other high officials of the Peruvian government. According to court documents, Rodriguez Huerta and his associates utilized banking institutions in the United States to hide their illicit profits from the Peruvian government. For these crimes and other illegal activities, Rodriguez Huerta was arrested and convicted by Peruvian authorities in 2002, and sentenced to 15 years in prison in Peru." In 2004, pursuant to a request by the Peruvian government, the U.S. Immigration and Customs Enforcement located assets in bank accounts in Florida. The U.S. initiated a civil complaint in the District Court for the Southern District of Florida, which issued a Final Order of Forfeiture in 2005. In May 2008, Peru submitted a petition for remission of forfeited property (under 28 C.F.R. section 9). In U.S. Department of Justice approved repatriation to the Government of Peru and the Peruvian pension fund. (Sources: U.S. v. Account No. 7630743391 et al, Case No. 1:04-cv-23073-PCH (S.D. Fla. 2004); DOJ Press Release, "United States Transfers More than \$750,000 in Forfeited Funds to Government of Peru," September 2, 2009). The U.S. Government's December 10, 2004 Complaint for Forfeiture in Rem had alleged that "Rodriguez Huerta was involved in the laundering of in excess of five million dollars." (Source: US v. The Contents of Paribas Investment Services, LLC Account, et al, Case No. 04-cv-23073-PCH (S.D. Fla.), Complaint for Forfeiture In Rem filed on December 10, 2004.)

Disposition of Criminal Case(s):

According to a case study by Professor Guillermo Jorge, as of September 2007, Mr. Montesinos had been convicted in 13 different trials and more than 70 trials were ongoing. (Source: Guillermo Jorge, "The Peruvian Efforts to Recover Proceeds from Montesinos's Criminal Network of Corruption," in ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, Asset Recovery and Mutual Legal Assistance in Asia and the Pacific, Proceedings of the 6th Regional Seminar on Making International Anti-Corruption Standards Operational Held in Bali, Indonesia, on 5-7 September 2007 and hosted by the Corruption Eradication Commission, Indonesia, accessed at <http://www.adb.org/Documents/Books/Asset-Recovery/Asset-Recovery.pdf>.) According to the U.S. Government's civil asset forfeiture complaint filed on December 10, 2004, "Rodriguez Huerta was arrested and prosecuted in Peru for public corruption charges and illicit enrichment charges for money belonging to Peru." (Source: US v. The Contents of BNP Paribas Investment Services, LLC Account, et al, Case No. 1:04-cv-23073-PCH (S.D. Fla.), Complaint for Forfeiture In Rem filed on December 10, 2004).

Jurisdiction of Origin: Investigative Agency:

Office of the Special State Attorney for the Montesinos/Fujimori Case, Peru

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

Office of the Special State Attorney for the Montesinos/Fujimori Case, Peru

Jurisdiction of Asset Recovery: Investigative Agency:

Immigration and Customs Enforcement, Office of Investigations (Miami); Federal Bureau of Investigation

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

Department of Justice, Criminal Division, Asset Forfeiture and Money Laundering Section;
U.S. Attorney for the Southern District of Florida

Jurisdiction of Asset Recovery: Courts Involved:

U.S. District Court for the Southern District of Florida

Documents:

Montesinos_Jorge_Case_Study_ADB_2007.pdf

Montesinos_US_Garrido_Samuel_Paper.pdf

Documents Links:

http://www1.worldbank.org/finance/star_site/documents/arw/Montesinos_Jor...

http://www1.worldbank.org/finance/star_site/documents/arw/Montesinos_US_...

Other Sources:

US v. The Contents of BNP Paribas Investment Services, LLC Account, et al, Case No. 04-cv-23073-PCH (S.D. Fla.), Complaint for Forfeiture In Rem filed on December 10, 2004 and Final Order of Forfeiture filed on September 22, 2005; U.S. Department of Justice Press Release, "United States Transfers More Than \$750,000 in Forfeited Funds to Government of Peru," September 2, 2009, accessed at <http://www.justice.gov/opa/pr/2009/September/09-crm-909.html>.