



# TRANSPARENCY INTERNATIONAL LUXEMBOURG

## **The press review**

1 au 8 janvier 2013

**Prepared by Transparency International Luxembourg**

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Vous pouvez nous joindre à cet effet par téléphone au numéro 26 38 99 29, par email [info@trnsparence.lu](mailto:info@trnsparence.lu) ou alors directement en nos bureaux au 11C, Bd. Joseph II, Luxembourg.



# Une affaire d'espionnage au cœur du pouvoir

En 2008, le Premier ministre luxembourgeois a été espionné par le chef de ses services secrets. Des enquêtes sont ouvertes après la révélation de cette affaire dans la presse en novembre 2012.

**AFFAIRE DES ÉCOUTES**

03 janvier 2013 08:58

## Urbany accuse Juncker d'intimidation

*LUXEMBOURG - Le député déi Lénk considère que le Premier ministre luxembourgeois a intimidé les députés de la commission du SREL en leur rappelant qu'ils étaient tenus au secret.*



«C'est un abus de confiance»

Mercredi soir, à la veille d'une réunion de la commission d'enquête sur le Service de renseignements de l'État, Serge Urbany a lancé un gros pavé dans la mare. Dans un communiqué, il accuse ainsi Jean-Claude Juncker d'«intimidation».

**Diaporama**Luxembourg 2012

Le Premier ministre aurait envoyé une lettre aux membres de la commission du SREL dans laquelle il rappelle qu'ils sont tenus au secret et que «conformément à l'alinéa 3 de l'article 3 de la loi du 27 février 2011 sur les enquêtes parlementaires, ils s'engagent à préserver l'obligation de secrets couvrant les procès-verbaux des réunions de la Commission».

Une instruction judiciaire ouverte

Et Juncker de rappeler que le non-respect de cet engagement expose le contrevenant à «un emprisonnement de six mois à cinq ans et d'une amende de 251 euros à 125 000 euros» (voir loi). Un rappel de loi que Serge Urbany associe purement et simplement à de l'intimidation. Le député a envoyé une copie de cette lettre à la presse.

À noter, que dans ce communiqué, on apprend également que le procureur général a nommé lundi (31 décembre) un juge d'instruction pour procéder à une instruction judiciaire dans le cadre de cette affaire. Une instruction qui doit faire la lumière sur des infractions à la protection de la vie privée, et sur le vol et la diffusion d'informations concernant les services secrets.

*(L'essentiel Online)*



## **07.01.2013 / EILMELDUNG \*\*\* Ehemaliger Luxemburger Staatsanwalt Zeyen soll Millionen für SED verschoben haben**

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### **"Bild" greift den früheren Anti-Geldweisswäscherei-Staatsanwalt (heute Eurojust) an**

Luxemburgs ehemaliger Anti-Geldweisswäscherei-Staatsanwalt Carlos Zeyen ist in die grossen internationalen Schlagzeilen geraten. Wie die deutsche "Bild" berichtet, soll der "Top-Beamte SED-Millionen verschoben haben". Zu der Zeit (1996), als er noch Anwalt in Luxemburg war. Es geht um viele Millionen Euro.

Drei Zeyen-Firmen wurden laut Bundesanstalt für vereinigungsbedingte Sonderaufgaben (BvS) gegründet, „um Vermögen der SED ins Ausland zu transferieren und so dem Zugriff der BvS zu entziehen“. Zeyen wusste angeblich nichts über die illegale Herkunft des Geldes.



07 janvier 2013 15:02;

## Carlos Zeyen cité dans une affaire de détournement

*LUXEMBOURG - Le nom de l'ancien substitut du procureur général de Luxembourg, Carlos Zeyen, apparaît dans une affaire de détournement d'argent qui implique le SED, parti au pouvoir en RDA.*

Carlos Zeyen, ancien substitut du procureur général de Luxembourg et aujourd'hui vice-président d'[Eurojust](#), serait impliqué dans un scandale politico-financier. Il aurait caché des millions d'euros qui venaient du SED, parti qui dirigeait l'Allemagne de l'Est. C'est le *Bild* qui révèle cette information.



Carlos Zeyen. (Photo: Eurojust)

En effet, dans une lettre adressée au Service de renseignement fédéral datant de 1996, Carlos Zeyen est cité comme actionnaire et directeur de trois sociétés qui auraient servi à transférer secrètement des actifs du SED vers l'étranger. À la réunification, l'Agence fédérale pour les missions spéciales (BvS) n'a pas réussi à mettre la main sur cet argent. L'affaire a été révélée en 1993. Les parts des trois entreprises ont été reprises par la BvS qui a alors récupéré 6,7 millions de deutschmark (3,4 millions d'euros).

Interrogé par *L'essentiel*, le porte-parole d'Eurojust, Johannes Thuy, s'est refusé à tout commentaire. «Eurojust n'a rien à dire là-dessus. Les faits remontent à plus de 20 ans et pendant ce laps de temps Monsieur Zeyen n'a jamais été inquiété», a-t-il ainsi expliqué. Dans le *Bild*, Carlos Zeyen n'a pas voulu prendre position sur ses accusations. On ignore s'il était au courant de l'origine illicite des fonds.

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| **Bild attaque Carlos Zeyen**

## **Bild attaque Carlos Zeyen**

2013-01-08 09:53:00

**Le journal allemand Bild a écrit, hier, que le nom du vice-président d'Eurojust, le Luxembourgeois Carlos Zeyen, avait été cité dans un dossier traitant de l'enquête sur la disparition de millions d'euros ayant appartenu au SED, le parti unique dirigeant l'ex-Allemagne de l'Est.**

Les faits se seraient déroulés alors qu'il était avocat au Grand-Duché, juste après la chute du mur de Berlin. Dans une lettre adressée au Service de renseignement fédéral datant de 1996, le nom de l'actuel vice-président d'Eurojust (l'union de coopération judiciaire de l'Union Européenne) est cité comme actionnaire et directeur de trois sociétés qui auraient servi à transférer secrètement cet argent vers des paradis fiscaux dont Gibraltar, précise le journal.

Carlos Zeyen, contacté par le journal à grand tirage allemand, a refusé de prendre position sur ces allégations.

Dienstag, 8. Januar 2013

## **Illegale Gelder: Vorwürfe gegen Luxemburger Eurojust-Vize**

Carlos Zeyen hatte laut einem Pressebericht illegale Gelder verschoben.

Foto: Eurojust

(vb) – Vorwürfe gegen den luxemburgischen Vize-Präsidenten der EU-Justizbehörde Eurojust: Der ehemalige Anwalt soll Millionengelder aus dem SED-Vermögen vor bundesdeutschen Behörden versteckt haben.

Laut Recherchen der "Bild"-Zeitung habe Carlos Zeyen in seiner Tätigkeit als Rechtsanwalt kurz nach der deutschen Wiedervereinigung Gelder aus dem Vermögen der DDR-Einheitspartei SED 6,7 Millionen D-Mark (3,4 Millionen Euro) ins Ausland verschoben und zum Teil in eine Scheinfirma auf Gibraltar gesteckt.

### **Geldfluss aufgedeckt**

Damit sollte das illegale Geld vor einer deutschen Kommission verborgen werden, die veruntreutes Vermögen der SED aufspüren sollte. Die Kommission kam dem Geld jedoch auf die Spur, so dass Zeyen die 6,7 Millionen Mark 1994 an die Kommission zurückgeben musste.

Heute ist Zeyen Vize-Präsident von Eurojust. Die Behörde kümmert sich um die grenzüberschreitende Zusammenarbeit der Justiz in Europa. Sein Spezialgebiet: Bekämpfung der Korruption.

Ein Sprecher von Eurojust betonte, dass die Behörde die Anschuldigungen nicht kommentieren könne, da die besprochenen Fälle im Jahr 1989 stattgefunden hatten. Auch Carlos Zeyen gebe keinen Kommentar ab. Er bestreitet lediglich, gewusst zu haben, dass die Gelder illegalen Ursprung hatten. Es gebe jedenfalls keine Anklage gegen Zeyen, so der Sprecher weiter.



## 08.01.2013 / Weißwäscherei bei Anwälten: Carlos Zeyen ist bei weitem nicht der einzige!

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Viele Geschäftsanwälte sind heute Richter oder Staatsanwälte



Es ist nicht zum ersten Mal, dass der frühere Staatsanwalt des „Anti blanchiment“ **von der internationalen Presse angegriffen** wird. Bereits vor Jahren war er zur unfreiwilligen Hauptfigur

einer journalistischen Recherche vom französischen Sender M6 geworden, der dem damaligen Schwarzgeldjäger vorwarf, Firmen der Kunstfälscher-Mafia aus Frankreich verwaltet zu haben und sogar eine Villa in Südfrankreich filmten, auf deren Türschild der Name Zeyen stand. Zur selben Zeit ungefähr soll nun auch der emsige Anwalt, der dann später zum Staatsanwalt wurde, Geld für die Stalinisten aus der Ex-DDR weißgewaschen haben.

Wenn allerdings jetzt jeder Luxemburger Anwalt, der früher (und auch noch heute) Firmenkonstruktionen für zahlungskräftige Kunden aufstellte und diese auch noch in seiner Kanzlei verwaltete, mit Bild in der Zeitung erscheinen würde, dann könnte man wohl die ganze Bild-Zeitung füllen. Und es wird doch wohl klar sein, dass solche Kunden in den meisten Fällen diese Strukturen nur benutzten, weil irgendetwas faul mit ihrem Geld war (oder noch ist).

Heute ist die Gesetzgebung viel strenger als vor dem Jahr 2001. Es bleibt allerdings die Frage, wieviele Mitglieder der Magistratur eigentlich noch solche Sünden aus der Vergangenheit mit sich herumschleppen. Denn fast alle waren ja, vor ihrer Karriere am Tribunal, Anwälte. Luc Frieden, der frühere Justizminister, zum Beispiel in der Kanzlei von Carlos Zeyen. Und viele Richter, Staatsanwälte, Untersuchungsrichter usw. ebenfalls in mehr oder weniger bekannten Luxemburger Kanzleien, die in Firmengründungen und deren diskreten Verwaltung spezialisiert waren (und noch sind).

## Les députés confrontés aux secrets

2013-01-04 09:32:00



La commission présidée par Alex Bodry (à d.) a notamment auditionné hier les anciens présidents de la commission de contrôle parlementaire du SREL, Charles Goerens et Henri Grethen

**Ils ne savent pas trop à quelles informations ils auront droit. Les membres de la commission de contrôle parlementaire du SREL savent surtout qu'ils ont l'obligation de se taire.**

**Une enquête judiciaire est en cours. Le 31 décembre, un juge d'instruction a été saisi du dossier des écoutes et les parlementaires ne pourront pas empiéter sur le judiciaire. Dès lors, ils craignent d'être gênés dans leur volonté de faire la lumière dans cette affaire.**

*De notre journaliste  
Geneviève Montaigu*

On sent bien qu'ils sont tous embêtés par les questions des journalistes. Les membres de la Commission de contrôle parlementaire du Service de renseignement de l'État (SREL) semblent sagement respecter le huis clos de leur seconde réunion. Le député Serge Urbany (déi Lénk) s'était ému mercredi soir d'un courrier rédigé par le Premier ministre et d'un autre émanant du procureur général d'État qui rappelaient aux députés le devoir de réserve auquel ils étaient tenus.

Serge Urbany n'a pas hésité à parler de «pressions» qui étaient exercées sur les parlementaires à qui les courriers rappellent que la divulgation d'un secret d'État peut

entraîner une peine de cinq ans de prison. Hier, les membres de la commission d'enquête ont tous reçu une copie de tous les procès-verbaux de la commission de contrôle du SREL depuis 2004 avec l'ordre de ne rien laisser filtrer.

Le président de la commission de contrôle, Alex Bodry (LSAP), ne voit pas en quoi ces deux lettres pourraient constituer une pression. En revanche, il reconnaît que le procureur général d'État en dit trop ou pas assez. En effet, Robert Biever informe ainsi que le 31 décembre dernier, un juge d'instruction a été saisi pour instruire le dossier relatif à l'écoute du Premier ministre par Marco Mille, ancien directeur du SREL, celle du Grand-Duc Henri et celle de M. Mais le procureur n'a pas précisé qui était inquiété dans cette affaire de violation de la vie privée, de vol et de recel.

### **17 000 fiches de Luxembourgeois**

Si le président Bodry veut bien comprendre et respecter une certaine réserve, il aimerait en revanche en savoir plus sur l'identité des personnes poursuivies dans cette affaire. Le secret de l'instruction vient faire obstacle à certaines requêtes des parlementaires qui ne peuvent pas piétiner sur le judiciaire, mais qui ont des difficultés à délimiter leur périmètre d'investigation.

Hier matin, alors que certaines questions de procédure et d'organisation figuraient toujours à l'ordre du jour, les membres de la commission se sont aussi penchés sur les modes de fonctionnement passés et à venir de la commission de contrôle parlementaire du Service de renseignement de l'État. Henri Grethen et Charles Goerens, anciens présidents de la commission de contrôle, ont assisté à la réunion d'hier matin.

«J'ai quitté la réunion avant la fin, car le périmètre qui nous concerne, avec Henri Grethen, était atteint. On nous a questionnés sur le fonctionnement de la commission à l'époque. En 2004, c'était le début du contrôle et il fallait bien définir les obligations d'informations du SREL vis-à-vis des parlementaires. J'avais organisé une visite au Bundestag à Berlin pour comparer nos deux systèmes de contrôle, mais aujourd'hui, nos collègues allemands se plaignent eux aussi de l'insuffisance des moyens de contrôle dont ils disposent», explique Charles Goerens.

Il avait été informé de l'enregistrement réalisé avec la montre de Marco Mille au premier trimestre 2009. «Il a reproduit l'enregistrement dans son bureau où je m'étais rendu et on a commencé à discuter. On a surtout parlé de la violation de la vie privée et je n'écoutais que d'une oreille la teneur de la conversation enregistrée», répète Charles Goerens. Il a conseillé à Jean-Claude Juncker de se rendre devant la commission de contrôle du SREL, ce qu'il a fait le 5 juin 2009 juste avant les élections.

«Il faut laisser travailler la commission d'enquête», plaide Charles Goerens. «Je trouve préoccupant que le Premier ministre puisse être écouté. J'ai dit ce matin qu'il faudrait songer à protéger la sphère de la confidentialité de manière plus sévère», estime-t-il en guise de conclusion.

L'après-midi, la commission s'est déplacée au SREL, route d'Esch, à Luxembourg, où les députés ont pu approcher les fichiers. Alex Bodry a indiqué qu'entre 1960 et 2000, quelque 17 000 fichiers concernant des résidents luxembourgeois ont été produits.

## Régional/International

**BBC**

1 January 2013 Last updated at 01:54 GMT

### **Greeks fight back against corruption**

By Andrew Bomford BBC Radio 4's PM programme



Ordinary Greeks are finding ways of fighting back against endemic levels of corruption in their country, with a number of websites now allowing people to report cases of bribery.

Kristina Tremonti's first brush with "fakelaki" came when her grandfather needed urgent treatment at a public hospital in Kalamata, southern Greece.

Treatment is supposed to be free. Fakelaki is the Greek term which means "little envelope", but has come to describe a wide range of bribery. It is pronounced "fakk-el-akee".

"He's actually a war veteran and he was diagnosed with terminal prostate cancer," she said.

"One night he had incessant bleeding and we had to rush him to hospital. We were faced with absolute negligence. Nobody gave us the time of day - they were very disrespectful and basically ignored my grandfather."

"We sort of picked up the cue that they were expecting a bribe, so as soon as my mother reached into her purse and gave them the amount - which I believe now was 300 euros (£240; \$395) - he was submitted to the operating room within an hour."

The experience traumatised her to such an extent that, even though she was studying at university in the US, she became determined to discover how widespread the practice was in Greece.

Inspired by similar websites in India and Kenya, Kristina set up [edosafakelaki](#) (meaning "I paid a bribe") which allows people to report anonymously on cases of bribe-giving or taking, or indeed cases where bribes were refused.

**“Start Quote**



Rooting out corruption will allow for social and economic recovery”

Kristina Tremonti

"In the beginning, people were surprised to see the stories they were previously only hearing at dinner tables or with friends," she says. "But now I really believe there is a pan-Hellenic attitude of civic duty growing."

In a little over a month, 1,000 different reports of bribery appeared on the site, spurred on by chatter on social media sites.

"People are frustrated, they're angry, they feel cheated, they feel abused. They feel they have been threatened by a system that has rendered them powerless in front of it."

Anger has been spurred on by the severity of the financial crisis and the impact it has had on people's lives. Over a quarter of Greeks are unemployed. Many can no longer afford the relatively small-scale bribes which were previously accepted as a way of life.

Horror stories abound on the website - 60% of the entries relate to corruption in the public health system, 15% to bribes paid to obtain driving licences, and 4% to the issuing of building permits. Entries are also broken down by region of Greece, and often individual institutions are named, so there are many clues for authorities to follow if they wish.

One person wrote:

*"My father had cancer and had to have an operation on his pancreas. The surgeon asked indirectly for money, and before surgery I put 500 euros on his desk. From his expression I could see it wasn't enough. My mother insisted that we pay him more. Oh, and there was something else too! My father noticed all the expensive houses across the road from the hospital, and the nurse told him they were the doctors' houses. "You know what we call them?" The nurse said, 'Bribe Ville'."*

## Five stories of corruption

- "Every Christmas at my work the tax people show up. They perform an audit and they always find something wrong. At the end of it all they want a little Christmas gift - between 5,000 and 10,000 euros. Dudes! Now because of the crisis, my boss is not going to pay any more. Let them close us down instead!"
- "I set up a new hotel and someone from the Ministry of Tourism was asking for 10,000 euros for a permit to operate. We haggled, and in the end they dropped it down to 4,000 euros."

- "I won a public works contract through an open tender. I met the local mayor and he proposed giving me another works contract. But he tells me straight - you get 2,000 euros, and I get 8,000 euros. Well, I was really disillusioned and I wasn't having any of this. So the mayor gave the contract to another company instead."
- "My driving school teacher told me that if I wanted to pass the driver's test I had to give 200 euros to the examiners, otherwise they would fail me. I asked him what I should say if they had any technical questions about the car's mechanics. He said, 'Just tell them there's 200 euros under the hood and they'll get the message'."
- "My child was severely injured and needed surgery immediately. They told me the procedure would be extremely difficult and that they were not being paid enough for a procedure of such complexity and challenge. Each of the three surgeons came up to me and demanded fakelaki of 2000 euros, forcing me to ask for a bank loan because I didn't have enough money to fund them. This phenomenon must stop!"

Source: edosafakelaki (pictured above)

Concern about corruption has risen as the Greek economy worsens. Last month, Transparency International's [annual international survey](#) of public perception of corruption found that the situation in Greece has deteriorated further. Greece has slipped from 80th to 94th place in the last year, making it the most corrupt country in Europe in terms of people's perceptions.

One of the biggest areas of concern is over corruption in the tax system. Tax evasion is known to be endemic in Greece, and is one of the areas the European Commission is pressing the government to improve. One of the latest scandals was over the failure by Greece to investigate the so-called "Lagarde List" of 2,000 Greeks with Swiss bank accounts.

However, there are relatively few cases of tax evasion reported on whistleblowing websites like edosafakelaki. Only 3% of entries here relate to tax. The website's founder believes this is because bribing a tax inspector is only likely to happen when someone is trying to evade tax, making them unlikely to want to tell people about it, even anonymously. It is an obvious drawback of any self-reporting system.

Diomidis Spinellis became well known in Greece when he resigned last year as general secretary of information systems at the Greek ministry of finance. His job was to modernise data collection for the outdated tax system. He said he was successful at recovering an extra 700m euros in taxes by cross-checking evidence from different databases. However, he resigned in frustration at the government's unwillingness to reform the system.

After stepping down, he spoke publicly about corrupt tax inspectors and how difficult it was to therefore channel tax owed into the state coffers.

He has since returned to academia, and is a professor in computer science at the Athens University of Economics and Business. He too has established [a website for reporting corruption](#).

**“Start Quote**



Just reporting incidents is not enough”

Diomidis Spinellis Athens University of Economics and Business

"It's important to share the experiences and create a perception that this is not something acceptable and it is something we want to fight," he says.

"The sad fact is that corruption seems to be targeting the most vulnerable members of society, so people who are less informed, who know less about their access to public services, who have less education, who don't know the tax code. They get blackmailed by the people who are supposed to serve them and this is very sad."

However, he is sanguine about what cultural changes corruption reporting websites can achieve. He believes the only way fundamental change can happen is by complete reform of tax collection and public services.

"Just reporting incidents is not enough," he said. "We have evidence, for instance, that accountants are complicit in running most of these schemes and they're very reluctant to report them because they don't want to tarnish their relationship with corrupt tax auditors."

The BBC showed two officials from the union which represents tax inspectors some of the entries relating to tax evasion on the edosafakelaki website.

"All these people," says Vallia Christakopoulo, gesturing at the website. "Why did they give this money? Why didn't they go to the police? Maybe they wanted to cover up something."

Asked if it was true that many tax inspectors accepted bribes to cover up tax evasion, she admitted that it happened, but said it was only in a small minority of cases.

Kristina Tremonti, who established edosafakelaki, believes that a popular groundswell of opinion against bribery can make a big difference to Greece in its present predicament.

"Rooting out corruption will allow for social and economic recovery. I cannot stress this enough. We can make our country more fertile for growth by taking out the weeds which hinder it - and corruption is a weed."

It's the simplest austerity measure that can be implemented by the people, she says.

"Greek people are ready for change, and they feel they can no longer expect a lead for change only from their elected officials.

"The Greek people have realised that in order to revive themselves as a society they have to tap into their most powerful and unexplored asset which in this case is themselves."

## Nouvelles accusations sur un financement de Sarkozy par Kadhafi

**Le sulfureux homme d'affaires Ziad Takieddine a assuré devant un magistrat détenir des preuves du financement par la Libye de la campagne présidentielle de 2007 de Nicolas Sarkozy, écrit le quotidien Le Parisien mercredi.**



Photo: AFP

L'intermédiaire franco-libanais, dont le nom apparaît dans plusieurs affaires de corruption en France, a déclaré le 19 décembre au juge d'instruction Renaud Van Ruymbeke qu'il détenait les preuves d'un financement par la Libye de la campagne de 2007 de l'ancien président de droite.

Selon le quotidien, M. Takieddine a déclaré au juge qu'il pouvait lui «fournir les éléments existants sur le financement de la campagne de Nicolas Sarkozy», assurant que «le montant de cette aide dépasserait les 50 millions d'euros, somme un temps évoquée par l'un des fils du dictateur libyen» Mouammar Kadhafi.

Il a affirmé que plusieurs rencontres avaient eu lieu avant l'élection entre Béchir Saleh, alors secrétaire particulier du dictateur libyen Mouammar Kadhafi, et Claude Guéant, directeur de

cabinet de Nicolas Sarkozy lorsque celui-ci était ministre de l'Intérieur avant son élection à la présidence française.

M. Takieddine avait déjà évoqué le 9 mai la thèse d'un financement libyen de la campagne de 2007 de M. Sarkozy, la jugeant «tout à fait crédible».

L'accusation avait été lancée en mars 2011 par le fils du colonel Kadhafi Saïf Al-Islam alors que la France s'apprêtait à intervenir en Libye.

Le journal en ligne *Mediapart* avait ensuite publié le 28 avril un document attribué à un ex-dignitaire libyen affirmant que Tripoli avait accepté de financer pour «50 millions d'euros» la campagne de Nicolas Sarkozy en 2007.

La justice française a ouvert une enquête judiciaire pour blanchiment et corruption visant Ziad Takieddine après la saisie de 1,5 million d'euros en liquide que transportait l'homme d'affaires de retour de Libye le 5 mars 2011.

Cette enquête a été confiée aux juges qui enquêtent par ailleurs sur un éventuel financement illicite de la campagne présidentielle française de 1995, instruction dans laquelle M. Takieddine est aussi inculpé.

Nicolas Sarkozy DID take \$50 million of Muammar Gaddafi's cash, French judge is told

John Lichfield Paris

Thursday 03 January 2013



Sarkozy and Gaddafi pictured in Paris in 2007  
Rex Features

Documentary proof exists that France's former President Nicolas Sarkozy took more than €50m from the late Libyan dictator, Muammar Gaddafi, a French judge has been told.

The claim, leaked today, was made just before Christmas by a Lebanese-born businessman, Ziad Takieddine, who has been a fixer for legal - and allegedly illegal - dealings between France and the Middle East for 20 years.

Expanding on claims already made by one of Mr Gaddafi's sons and a French investigative website, Mr Takieddine told an investigative judge that he could show him written proof that Mr Sarkozy's first presidential campaign in 2006-7 was "abundantly" financed by Tripoli. The payments, he said, continued after Mr Sarkozy became President.

In total, he said, they exceeded the €50m in illegal payments to Mr Sarkozy claimed by Mr Gaddafi's son Saif al-Islam just before the demise of the Libyan regime - thanks partly to French and British airstrikes - in 2011.

Mr Takieddine's claims were rejected today as "outrageous" and "self-interested" by sources close to Mr Sarkozy. Last year President Sarkozy denounced a similar claim by the investigative website Mediapart as "grotesque".

The Lebanese businessman is himself under formal investigation for allegedly organising and receiving illegal kick-backs on arms deals over two decades. He today admitted that his allegations against Mr Sarkozy were part of a proposed trade-off with the French judicial system.

He told the newspaper Le Parisien that he was ready to show investigators proof of Gaddafi's alleged financial dealings with Mr Sarkozy if a judicial investigation was launched into Libya's financing of French politicians. This implied that he was trying to minimise allegations against him, dating back to 1993, by igniting, or re-igniting, allegations which were more recent and more explosive.

"Yes, Libya financed Sarkozy," Mr Takieddine told Le Parisien.

The claims, however self-interested they may be, are deeply embarrassing for Mr Sarkozy. Mr Takieddine had close business and personal relations for many years with a string of centre-right politicians, including the former President's childhood friend, Brice Hortefeux, his close ally and former interior minister, Claude Gueant and the current head of Mr Sarkozy's centre-right party, Jean-Francois Copé. He is also known to have played a significant role in Mr Sarkozy's dealings with Gaddafi to free Bulgarian nurses falsely imprisoned in Libya in 2007.

Mr Sarkozy already faces separate allegations that his party – possibly without his knowledge – took illegal campaign contributions from France's richest woman, Liliane Bettencourt, in 2007. Last month, his official accounts for his failed re-election campaign last year were rejected by a campaign watchdog.

Allegations of illicit dealings with Gaddafi are especially sensitive for the former French president. With Prime Minister David Cameron, he organised and led the international support for the Libyan opposition which eventually led to Gaddafi's downfall and death in October 2011.

Before that, however, Mr Sarkozy puzzled many of his own supporters by granting Gaddafi an obsequious and glittering state visit to France in December 2007. It later emerged that a number of contracts had been signed by France and Libya, including a deal to supply surveillance equipment to the Libyan intelligence services.

Mr Takieddine is under formal investigation for a number of alleged offences including receiving illegal kick-backs on French arms deals to Pakistan and Saudi Arabia in 1993-5. In a meeting on 19 December to discuss these allegations with Judge Renaud van Ruymbeke, Mr Takieddine offered to steer the French judicial system towards written evidence of kick-backs to Mr Sarkozy's 2007 campaign. He said there had been a series of meetings to organise the payments in 2006-2007 between Mr Gueant, then Mr Sarkozy's chief of staff, and Mr Gaddafi's private secretary, Bashir Saleh.

Written accounts of these meetings, Mr Takieddine told the judge, had been handed to the former Libyan Prime Minister, Al Baghdadi al-Mahmoudhi. After the Libyan revolution, Mr Mahmoudhi sought and received unofficial asylum in France. He has recently been returned to Tripoli by Tunisia, having left France after Mr Sarkozy lost the presidential election in June last year.

Radio Free Europe/Radio Liberty

Friday, January 04, 2013

## [Azerbaijan](#)

### **Azerbaijani President Aliyev Named Corruption's 'Person Of The Year'**



Azerbaijani President Ilham Aliyev "and his family, in fact, along with other persons in his inner circle are involved in so many secret businesses that we uncovered," says Paul Radu, OCCRP executive director.

By Robert Coalson  
January 02, 2013

In 2012, corruption watchdog Transparency International reported that two-thirds of the world's countries may be considered "highly corrupt." It would seem tough to choose someone for the dubious honor of corruption's "person of the year."

One investigative-journalism NGO has done just that.

The Organized Crime and Corruption Reporting Project (OCCRP), based in Sarajevo and Bucharest, has [awarded the crown](#) to Azerbaijani President Ilham Aliyev.

The group, which specializes in reporting on corruption in the region stretching from Eastern Europe to Central Asia, also gave out some "honorable" mentions. They went to alleged Kosovo-born cigarette and drugs smuggler Naser Kelmendi, Montenegrin Prime Minister Milo Djukanovic, Russian President Vladimir Putin, politically connected Serbian entrepreneur Miroslav Miskovic, longtime Uzbek President Islam Karimov, and wanted Serbian drugs smuggler Darko Saric.

The informal list was determined by representatives of the 15 international media organizations that make up the OCCRP. It is aimed at highlighting the intrepid and often courageous reporting that is needed to expose corruption in these notoriously opaque countries.

The OCCRP gave the nod to Aliyev, citing extensive reports and "well-documented evidence" that "the Aliyev family has been systematically grabbing shares of the most profitable businesses" in Azerbaijan for many years.

### **Secret Ownership Stakes**

The reports include secret ownership stakes in banks, [construction firms](#), [gold mines](#), and [telecommunications firms](#). Many of the reports about Aliyev were investigated by OCCRP affiliate Khadija Ismayilova, a journalist with RFE/RL's Azerbaijani Service.

"President Aliyev and his family, in fact, along with other persons in his inner circle are involved in so many secret businesses that we uncovered, actually together with Radio Free Europe this year," says Paul Radu, OCCRP's executive director. "We identified hidden companies that were owned by the first family of Azerbaijan in Panama, for instance, or in the Czech Republic. And we identified assets that they owned back in Azerbaijan via these companies."

Radu is optimistic about the new tools that are making this kind of reporting more and more effective. One example he cites is that OCCRP has successfully partnered with a Scottish computer hacker.

"He works right now with us at the Organized Crime and Corruption Reporting Project and he is the one who scraped [eds: got into] the Panamanian registry of companies and that allowed us to perform name-based searches," Radu says. "And this is how we found the companies that are owned by the daughters of Aliyev and by his wife in Panama."

However, Radu adds that the impact of such reporting in the case of the Aliyev family has not been what one might hope.

The ownership structures of the family's foreign assets have been changed; the Azerbaijani parliament in June passed a law making it more difficult to discover who actually owns commercial companies and shielding Aliyev and his family from prosecution.

### **A Terrifying Campaign Of Threats**

Moreover, journalist Ismayilova was subjected to a terrifying campaign of [threats and harassment](#) that she alleges was orchestrated by Aliyev's political allies.

Nevertheless, OCCRP editor Drew Sullivan says that "2012 was a banner year for those of us who cover organized crime and corruption. It is a growth industry around the world."

According to Radu, the OCCRP is now combining numerous international databases and linking them to the organization's ongoing files of "persons of interest" -- future candidates to unseat Aliyev as "person of the year."

The OCCRP list is also intended to highlight the global impact of crime and corruption. Radu maintains that most of the people on the OCCRP list have dubious and opaque ties far beyond the borders of their country.

"There are persons such as Darko Sadic, for instance, who is a well-known drug trafficker," he says. "And these sorts of persons are not well-known outside of the Balkans, but in fact they are part of very, very large networks that stretch sometimes across continents. In this case, this person was involved in cocaine trafficking from Argentina all the way to the Balkans."

Radu adds that organized crime from the Balkans and the former Soviet Union is deeply involved in the savage drug wars in Mexico and in massive resource theft from impoverished countries in Africa. This makes it all the more important to expose these people and the corrupt schemes they exploit, he says.

# The Opinion Pages

Op-Ed Contributor

## How to Halt the Terrorist Money Train

By ROBERT MAZUR

Published: January 2, 2013

Tampa, Fla.

LAST month, HSBC admitted in court pleadings that it had allowed big Mexican and Colombian drug cartels to launder at least \$881 million. The bank also admitted to using various schemes to move hundreds of millions of dollars to nations subject to trade sanctions, including Iran, Cuba and Sudan, in violation of the Trading With the Enemy Act. "On at least one occasion," according to a statement by Assistant Attorney General Lanny A. Breuer, "HSBC instructed a bank in [Tampa, Fla.] to transfer funds to a bank in [Cuba]." According to Radu, the OCCRP is now combining numerous international databases and linking them to the organization's ongoing files of "persons of interest" -- future candidates to unseat Aliyev as "person of the year."

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Iran on how to format payment messages so that the transactions would not be blocked or rejected by the United States."

Those were some of the transgressions uncovered during a two-year investigation led by the Justice and Treasury Departments and acknowledged by HSBC in a settlement, known as a [deferred prosecution agreement](#), that was filed in a federal court in December. Not a single executive was charged with a crime. Instead, the bank paid [\\$1.9 billion](#) in fines and forfeitures — or roughly 10 percent of the pretax profits it earned in just 2010, one of the more than five years during which it admitted to criminal conduct.

HSBC is hardly alone. Court filings show that, since 2006, more than a dozen banks have reached settlements with the Justice Department regarding violations related to money laundering. [ING Bank paid](#) a \$619 million fine for altering records and secretly transferring more than \$2 billion for entities trading with Iran and other nations under sanctions.

American Express Bank International acknowledged that more than \$55 million in drug proceeds may have been laundered through offshore shell accounts it maintained. The Justice Department has signed similar agreements, withholding prosecution in exchange for bank promises to tighten oversight, with Wachovia, Union Bank of California, Lloyds, Credit Suisse, ABN Amro Holding (now owned by Royal Bank of Scotland), Barclays and Standard Chartered. All admitted to criminal offenses; all were handed the equivalent of traffic tickets — pay a fine on your way out the door.

This has been the government's playbook in fighting terrorism and the drug trade. For make no mistake, without the ability to "wash" billions of dollars of money from illicit sources each year and bank the untraceable profits, both of these criminal enterprises would falter.

In November, the House Subcommittee on Oversight, Investigations and Management issued a shocking [report](#) documenting the collaboration between Mexican and Colombian drug cartels and Hezbollah in narcotics and human trafficking, smuggling and financial crimes in the United States and Latin America — a partnership that, in just the border region between Brazil, Paraguay and Argentina, produces an estimated \$12 billion in cash each year.

Yet data from the Department of Justice Asset Forfeiture Fund and the United Nations Office on Drugs and Crime Research Report show that United States law enforcement tracks down and seizes no more than 1 percent of the drug fortunes generated each year by global cartels.

The rest isn't hiding in mattresses. It's being washed — stripped clean of information that would identify its source, then transferred from one account to another, and often moved surreptitiously through various business enterprises, until it can settle safely in a criminal's private [offshore bank](#) account. None of this happens without help from bankers, lawyers and businessmen.

I have seen this firsthand. I was a federal agent for 27 years and worked undercover as a money launderer within this murky realm for five of them. I worked on teams that put leaders of drug cartels behind bars. The largest and most sophisticated of these criminal enterprises don't trick banks into laundering their money — they partner with that small segment of the international banking and business community that recirculates drug profits and cash from other illicit trades, like black-market arms dealing.

The only way to stop the flow of this dirty money is to get tough on the bankers who help mask and transfer it around the world. Banks themselves don't launder money, after all; people do.

The standard of proof needed to charge and convict a bank officer of money laundering is simple. If the person knows that funds are proceeds of a crime and, thereafter, he attempts to disguise or conceal the true source of the funds, he has committed the criminal offense of money laundering. Any individual who intentionally provides financial services to criminal organizations should be dealt with as harshly as possible under the law.

Bank officers at HSBC branches in Mexico who facilitated the transfer of \$881 million for the Sinaloa Cartel in Mexico, the Norte del Valle Cartel in Colombia and other narcotics traffickers — deposits that were often passed through teller windows in cash-filled boxes, some with hundreds of thousands of dollars in them — might contend that they were naïve

about this money's source. But there's little incentive for them, or any bank officer, to be more vigilant when turning a blind eye comes with little or no penalty.

The stakes are simply too high for such a soft-glove approach on money laundering. As long as drug traffickers can wash the stain from 99 percent of their ill-gotten gains, as long as terrorists can move their cash freely around the world, we'll have no chance to halt their deadly trades. We can help put an end to both of these scourges by putting the bankers who facilitate them in jail.

[Robert Mazur](#), a former federal agent, is the author of "[The Infiltrator](#)," a memoir of his undercover life as a money launderer.

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## Swiss bank Wegelin to close after US tax evasion fine



Wegelin admitted that its actions had been "wrong"

Switzerland's oldest bank is to close permanently after pleading guilty in a New York court to helping Americans evade their taxes.

Wegelin, which was established in 1741, has also agreed to pay \$57.8m (£36m; 44m euros) in fines to US authorities.

It said that once this was completed, it "will cease to operate as a bank".

The bank had admitted to allowing more than 100 American citizens to hide \$1.2bn from the Internal Revenue Service for almost 10 years.

Wegelin, based in the small Swiss town of St Gallen, started in business 35 years before the US declaration of independence.

It becomes the first foreign bank to plead guilty to tax evasion charges in the US.

Other Swiss banks have in recent years moved to prevent US citizens from opening offshore accounts.

US Attorney Preet Bharara said: "The bank wilfully and aggressively jumped in to fill a void that was left when other Swiss banks abandoned the practice due to pressure from US law enforcement."

He added that it was a "watershed moment in our efforts to hold to account both the individuals and the banks - wherever they may be in the world - who are engaging in unlawful conduct that deprives the US Treasury of billions of dollars of tax revenue".

Otto Bruderer, a managing partner at the bank, admitted that Wegelin had sheltered US clients from tax between 2002 and 2010, and said it was aware that its conduct had been "wrong".

## **Inevitable demise**

Wegelin effectively ceased to function as a Swiss bank almost a year ago.

US criminal accusations against three of its executives prompted the bank to sell off its core Swiss and other non-US businesses in January 2011.

The rushed sale protected Wegelin's non-US clients from the fall-out of any legal battle, and reflected fears that few clients would want to continue doing business with a bank being pursued by the US anyway.

The businesses were bought by Raiffeisen Bank, Switzerland's co-operative bank, which has since severed the few business ties that it had with the US.

The sale left Wegelin responsible only for its American clients, including those at the centre of the US authorities' probe.

Some Swiss financial analysts are already speculating that Wegelin's \$58m fine was kept low by the US authorities in return for Wegelin clearly implicating the rest of the Swiss banking community in tax evasion"

Wegelin as an institution was then itself indicted by US authorities in February last year, and later declared a fugitive from justice when the bank's executives failed to appear in a US court.

The bank had vowed to fight the charges, claiming that because it only had branches in Switzerland, it was bound only by its home country's relaxed banking laws.

Its decision to cave in, and wind down its one remaining business, has made the bank's demise inevitable.

"Usually when you cave in to the USA, you do it because you just want to get rid of it," said Dr Peter V Kunz, an economic law professor at the University of Bern.

Having sold off all its non-US businesses, Mr Kunz believes the bank's partners would have been keen to end a potentially interminable legal dispute with the US in order to recover as much of the sale proceeds as possible from what had in effect become a shell company.

The desire to end the legal battle would have been given added pique by the fact that Wegelin's partners have personal financial liability for the bank.

## **'Aggressively pursuing'**

Jeffrey Neiman, a former US federal prosecutor who was involved in a previous investigation into Swiss banks, said: "It is unclear whether the bank was required to turn over American client names who held secret Swiss bank accounts.

"What is clear is that the Justice Department is aggressively pursuing foreign banks who have helped Americans commit overseas tax evasion."

It remains to be seen whether US authorities will continue with, or drop, parallel charges against three Wegelin bankers, Michael Berlinka, Urs Frei and Roger Keller.

The decision to throw in the towel also marks a turnaround for Karl Hummler, Wegelin's managing director since 1991, and one of the partners whose own personal finances were potentially at stake.

Mr Hummler, who is also chairman of the Swiss daily newspaper Neuer Zuercher Zeitung, has previously been unusually outspoken among Swiss bankers in calling for the country's authorities to block any disclosure of banking client details to the US authorities.

The Wegelin case comes four years after a far larger Swiss bank, UBS, agreed to pay a \$780m fine to US authorities related to tax evasion charges. UBS also agreed to reveal the details of US account holders.

However, UBS neither pleaded nor was found guilty. Instead it and US prosecutors came to what is called a deferred prosecution agreement, with the fine being paid in exchange for the charges being dropped.

Switzerland's other major bank, Credit Suisse - with over a billion dollars in total assets and another billion in clients' money - remains under investigation by the US authorities, as does another high profile bank, Julius Baer, which is about a fifth of the size of Credit Suisse, as well as 11 other mainly local, cantonal banks.

DW.DE

Date 03.01.2013 Author Julia Mahncke / bk, nc • Editor Joanna Impey

[TOP STORIES / Germany](#)



**Corruption**

## **Demands to punish corrupt doctors**

Do pharmaceutical companies pay doctors to prescribe certain drugs and take part in medical trials? Germany's medical corruption debate is heating up.

Germany's state-backed insurers are demanding prison sentences of up to three years for doctors who accept bribes or other gratuities. It may seem surprising, but in fact at the moment independent doctors who run their own practices can't be penalized, according to a ruling by the Federal Court of Justice in June 2012. The judges sent a message to lawmakers, saying that this loophole had to be closed soon.

Prior to the ruling, prosecutors had spent years investigating doctors and employees of the German pharmaceutical company ratiopharm. Doctors were allegedly paid to prescribe the company's drugs.

German Health Minister Daniel Bahr is yet to make a decision on the issue, and his spokeswoman said on Wednesday (02.01.2013) in Berlin that she saw no pressure to arrive at a quick decision, as the issue was very complex.

**Cooperation with pharmacies and pharmaceuticals**



Passarge thinks doctors aren't particularly aware of the problem

Germany's medical system is indeed very complex, and there are plenty of opportunities to take advantages. Lawyer Malte Passarge, head of the anti-corruption organization "Pro Honore", points to the cooperation between German pharmacies and doctors. If a doctor sends his cancer patient to a certain pharmacy for his medication - say one located in the same house - the drugs can easily be worth more than 1,000 euros (\$1,320).

In exchange, Passarge says, the pharmacy may show its gratitude for this recommendation by offering the doctor a cut of its profit, or by taking over some of the doctor's staffing or practice costs.

The cooperation with pharmaceutical firms also continues to be an issue. "The health care sector is a big market and its susceptible to such issues," said Passarge. He stressed, however, that it was important not to make blanket accusations.

### **Isolated cases or epidemic?**

But it is not clear exactly how widespread the bribery of doctors is, since evidence is so difficult to gather. Corrupt doctors are usually only uncovered by accident - for instance through tax checks.

In an interview with the German newspaper Frankfurter Allgemeine Zeitung on Wednesday the ruling center-right party's health expert, Jens Spahn (CDU), estimated that there might be thousands of cases of corruption.

Wolfgang Wodarg, former opposition Social Democratic Party MP and now health expert for Transparency International, agrees that the cases are not isolated. "Criminologists say that the cases of corruption in the medical system have now overtaken those in the construction sector."

Only Courts of Professional Conduct can penalise corrupt doctors and revoke their licence. "But these kinds of trials and accusations are quite rare," Frank Ulrich Montgomery, President of the German Medical Council, told Deutsche Welle. While the Council has no data on the total number of cases, figures collected by a regional branch, which comprises the

cities of Cologne and Düsseldorf, show that in 2011 seven doctors had to pay a fine of up to 3,000 Euros (\$3,900). None lost their licence.



Montgomery: 'Few trials against doctors'

Montgomery is convinced that the laws governing the medical profession need to be honed. "They're a good instrument, but they need to be strengthened." He added that Medical Councils and Professional Courts should be allowed to conduct more investigations. In many cases, he said, obtaining relevant documents and information is difficult.

### **The corruption debate is heating up**

Passarge said that hospitals and other companies operating in the health care sector do support more transparency. The topic has gained importance in the last couple of years, he said.

Other countries, like Great Britain or the US, Passarge said, have more advanced laws concerning medical corruption. He stressed that doctors had to become more aware of the problem. "I've got the impression that the medical profession doesn't really give it much thought."

Transparency International is currently evaluating new data on observational studies, which the organisation was able to obtain under transparency laws. Pharmaceutical companies pay doctors to observe the side effects of new drugs, Wodarg said. Payments of up to 200 euros (\$260) for each patient aren't unusual, he added.

In 2010, 183 such trials were registered with the Federal Association of Physicians, some of them comprising more than 1,000 patients. Wodarg believes that often doctors don't even have to collect data, but are paid for prescribing certain drugs. Some 90 percent of observational studies may merely serve as a cover-up, Wodarg said.

**DW.DE**