

***Promotoria dos Estados Unidos
Distrito Sul de Nova York***

PARA PRONTA DIVULGAÇÃO
21 DE SETEMBRO DE 2010

CONTATO: PROMOTORIA DOS EUA
YUSSIL SCRIBNER
EDELI RIVERA
JESSIE ERWIN
GABINETE DE INFORMAÇÃO

PÚBLICA

(212) 637-2600

ICE
PAT REILLY
HKAALID WALLS
RELAÇÕES PÚBLICAS
(202) 732-4219

PROMOTORIA DOS ESTADOS UNIDOS DE MANHATTAN DEVOLVE DOIS QUADROS
RELACIONADOS A FRAUDE BANCÁRIA PARA O GOVERNO BRASILEIRO

PREET BHARARA, Promotor dos Estados Unidos no Distrito Sul de Nova York, e ALONZO R. PEÑA, o Vice-Diretor do Setor de Imigração e Alfândega Americana do Departamento de Segurança Interna (“ICE”), anunciou hoje que dois quadros – “Modern Painting with Yellow Interweave” de ROY LICHTENSTEIN (o “Lichtenstein”) e “Figures dans une structure” de JOAQUIN TORRES GARCIA (o “Torres Garcia”) – foram devolvidos ao Brasil em uma cerimônia de repatriação no Gabinete da Promotoria dos Estados Unidos em Manhattan, Nova York. Os quadros foram contrabandeados para os Estados Unidos violando as leis alfandegárias americanas e foram confiscadas recentemente como resultado de uma ação civil de extinção de domínio produzida pelos Estados Unidos.

Os quadros anteriormente pertencentes ao banqueiro brasileiro EDEMAR CID FERREIRA. FERREIRA, fundador e ex-presidente do Banco Santos S.A. (“Banco Santos”), foi condenado no Brasil por crimes contra o sistema nacional financeiro e lavagem de dinheiro. Em Dezembro de 2006, FERREIRA foi sentenciado no Brasil a 21 anos de prisão.

Como parte da ação, um Juíz de Justiça de São Paulo também determinou a busca, apreensão e confisco de ativos que FERREIRA, seus associados, e membros de sua família adquiriram com fundos obtidos ilegalmente do Banco Santos. Tais ativos incluíram o Lichtenstein, o Torres Garcia, e outras obras de arte avaliadas entre 20 e 30 milhões de dólares. As obras de arte foram mantidas em diversas localidades, incluindo a residência de FERREIRA no bairro do Morumbi, em São Paulo, a sede do Banco Santos, e em uma instalação de um instituto¹. Quando as autoridades brasileiras revistaram esses lugares, descobriram que diversas das mais valiosas obras de arte estavam faltando, incluindo o quadro conhecido como “Hannibal” do artista JEAN MICHEL BASQUIAT, o Lichtenstein, e o Torres Garcia.

A Justiça de São Paulo solicitou ajuda da INTERPOL depois de procurar pelas obras desaparecidas em diversos museus e institutos no Brasil. Em Outubro e Novembro de 2007, a INTERPOL e o Governo Brasileiro solicitaram a ajuda dos Estados Unidos para localizar e apreender as obras desaparecidas a favor do Governo Brasileiro. Em resposta, agentes do ICE localizaram e apreenderam o “Hannibal” e a Promotoria dos Estados Unidos no Distrito Sul de Nova York entrou com uma ação civil de confisco alegando que o “Hannibal” havia sido levado aos EUA ilegalmente. Desde o início da ação em Fevereiro de 2008, os EUA apreenderam outras obras de arte e entraram com aditamentos visando o confisco adicional de quatro obras listadas no pedido de ajuda da INTERPOL, incluindo o Lichtenstein e o Torres Garcia.

A investigação do Distrito Sul de Nova York relevou que o Lichtenstein e o Torres Garcia foram

¹Instituto Cultural Banco Santos

enviados por navio em 1º de Dezembro de 2006 da Holanda para um estabelecimento de armazenagem seguro em Nova York. As notas fiscais, entretanto, falharam em obedecer as leis alfandegárias americanas em inúmeros requisitos. Por exemplo, as notas de envio não identificavam o nome das pinturas ou seus artistas. As notas também falsamente declaravam que o valor combinado dos quadros era de 180 dólares. Na verdade, o valor combinado do Lichtenstein e o Torres Garcia foi recentemente avaliado em mais de 4 milhões de dólares.

Depois que o carregamento contendo o Lichtenstein e o Torres Garcia foi importado para os EUA, ambas as obras foram subseqüentemente vendidas, mas os compradores mais tarde voluntariamente devolveram as obras para o ICE. O ICE e a Promotoria Americana do Distrito Sul de NY posteriormente apreenderam as obras formalmente.

Em Dezembro de 2009, VANIO CESAR AGUIAR, o Administrador Judicial da Massa Falida do Banco Santos, concordou que as obras deveriam ser devolvidas à Autoridade Brasileira. O Lichtenstein e o Torres Garcia foram confiscados para os EUA em 16 de agosto de 2010 e em 16 de julho de 2010, respectivamente. O “Hannibal”, que recentemente foi avaliado em aproximadamente 8 milhões de dólares, e uma escultura conhecida como “Roman Togatus” também foram confiscados para os EUA. Um recurso de tal decisão ainda está pendente.

O Promotor de Manhattan afirmou: “Como alegado, por anos, importantes obras de arte contemporânea de Roy Lichtenstein e Joaquin Torres Garcia foram mantidos reféns da fraude de Edegar Cid Ferreira. Hoje, devolvemos esses valiosos quadros para seu lugar de direito no Brasil. Esse caso sublinha a relevância e importância de leis alfandegárias em nosso tempo, transmitindo a mensagem clara de que nós iremos buscar indivíduos que roubam de seu país e que tentam ocultar seus crimes no fluxo de comércio americano.”

O Vice-Diretor do ICE ALONZO R. PEÑA afirmou: “Nós estamos honrados em devolver estas icônicas obras de arte ao povo do Brasil. Estes são precisamente o tipo de tesouro que a Unidade de Propriedade Cultural Artística e de Antiguidades do ICE foi destinada a identificar, investigar e devolver para seus proprietários de direito. Nós continuaremos a ser vigilantes quanto a encontrar e processar aqueles que roubariam uma nação para ganho pessoal.”

Sr. BHARARA elogiou o trabalho investigativo do ICE na ajuda em localizar e apreender os quadros. Ele foi grato pela ajuda do Gabinete de Relações Internacionais do Departamento de Justiça. BHARARA agradeceu as autoridades brasileiras pela sua ajuda no caso. Ele também reconheceu a assistência do Departamento de Estado Americano e da Embaixada Americana no Brasil pela sua ajuda na investigação. O Sr. BHARARA adicionou que a investigação está em andamento.

O caso está sendo manuseado pela Unidade de Confisco de Ativos da Promotoria. O Promotor Assistente JASON P. HERNANDEZ é o responsável pelo litígio.

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*United States Attorney
Southern District of New York*

A ceremony will be held on September 21, 2010, at the U.S. Attorney's Office for the Southern District of New York, for the repatriation to Brazil of paintings by Roy Lichtenstein and Joaquin Torres-Garcia. The paintings were purchased by Edemar Cid Ferreira, the former President of Banco Santo in Brazil, as a way to launder money he embezzled from the bank. The paintings were subsequently seized by the U.S. and forfeited as a result of civil forfeiture action brought by the U.S. Attorney's Office.

Lichtenstein's *Modern Painting with Yellow Interweave* and Torres-Garcia's *Figures dans une structure* will be on display for viewing during the ceremony.

WHO: Preet Bharara, United States Attorney for the Southern District of New York

Alonzo R. Peña, Deputy Director of the Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE)

Pedro Vieira Abramovay, National Secretary of Justice of Brazil

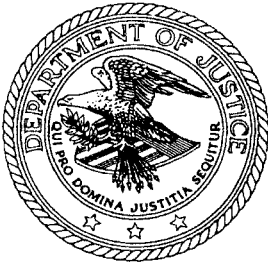
WHAT: Ceremony

WHEN: Tuesday, September 21, 2010
12:00 p.m.

WHERE: U.S. Attorney's Office for the Southern District of New York
Second Floor Maxine Pfeffer Library
One Saint Andrew's Plaza
New York, NY 10007

CONTACT: Yusill Scribner, Edeli Rivera, Jessie Erwin
United States Attorney's Office for the Southern District of New York
(212) 637-2600

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*United States Attorney
Southern District of New York*

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SEPTEMBER 21, 2010

CONTACT: U.S. ATTORNEY'S OFFICE
YUSILL SCRIBNER
EDELI RIVERA
JESSIE ERWIN
PUBLIC INFORMATION OFFICE
(212) 637-2600

ICE
PAT REILLY
KHAALID WALLS
PUBLIC AFFAIRS
(202) 732-4219

MANHATTAN U.S. ATTORNEY RETURNS TWO PAINTINGS
LINKED TO BANK FRAUD TO BRAZILIAN GOVERNMENT

PREET BHARARA, the United States Attorney for the Southern District of New York, and ALONZO R. PEÑA, the Deputy Director of the Department of Homeland Security's United States Immigration and Customs Enforcement ("ICE"), announced today that two paintings -- "Modern Painting with Yellow Interweave" by ROY LICHTENSTEIN (the "Lichtenstein") and "Figures dans une structure" by JOAQUIN TORRES-GARCIA (the "Torres-Garcia") -- were returned to Brazil at a repatriation ceremony at the United States Attorney's Office in Manhattan, New York. The paintings were smuggled into the United States in violation of U.S. customs law and were forfeited earlier this year as a result of civil forfeiture action brought by the United States.

The paintings once belonged to Brazilian banker EDEMAR CID FERREIRA. FERREIRA, the founder and former president of Banco Santos, S.A. ("Banco Santos"), was convicted in Brazil of crimes against the national financial system and money laundering. In December 2006, FERREIRA was sentenced in Brazil to 21 years in prison.

As part of the case, a Sao Paulo Court Judge also ordered the search, seizure, and confiscation of assets that FERREIRA, his associates, and members of his family had acquired with unlawfully obtained funds from Banco Santos. Those assets included the Lichtenstein, the Torres-Garcia, and other artwork valued at \$20 million to \$30 million. The artwork was kept in

several locations, including FERREIRA's home in the Morumbi neighborhood of Sao Paulo, the main offices of Banco Santos, and at a holding facility. When Brazilian authorities searched these locations, they found that several of the most valuable works of art were missing, including the painting known as "Hannibal" by the artist JEAN MICHEL BASQUIAT, the Lichtenstein, and the Torres-Garcia.

The Sao Paulo Court sought INTERPOL's assistance after searching museums and institutions in Brazil for the missing artwork. In October and November 2007, INTERPOL and the Government of Brazil sought the assistance of the United States to locate and seize the missing works on behalf of the Brazilian government. In response, ICE agents located and seized "Hannibal" and the U.S. Attorney's Office for the Southern District of New York filed a civil forfeiture Complaint alleging that "Hannibal" had been brought into the United States illegally. Since the filing of the original Complaint in February 2008, the United States seized additional works of art and filed two amended Complaints seeking the forfeiture of four additional artworks listed in the INTERPOL request for assistance, including the Lichtenstein and the Torres-Garcia.

The Southern District of New York investigation revealed that the Lichtenstein and the Torres-Garcia were shipped on December 1, 2006, from the Netherlands to a secure storage facility in New York. The invoices, however, failed to comply with U.S. customs laws in a number of respects. For example, the shipping invoices did not identify the name of the paintings or their artists. The invoices also falsely claimed that the combined value of the paintings was \$180. In fact, the combined appraisal value of the Lichtenstein and Torres-Garcia were recently assessed in excess of \$4 million.

After the shipment containing the Lichtenstein and Torres-Garcia was imported into the United States, both pieces were subsequently sold, but the purchasers later voluntarily surrendered the works to ICE. ICE and the U.S. Attorney's Office for the Southern District of New York subsequently formally seized the pieces.

In December 2009, VANIO CESAR AGUIAR, the Trustee for the Estate of Banco Santos, agreed that the paintings should be restored to the Central Authority of Brazil. The Lichtenstein and Torres-Garcia were forfeited to the United States on August 16, 2010, and July 16, 2010, respectively. "Hannibal," which was recently valued to be worth about \$8 million, and a sculpture known as the "Roman Togatus" have also been forfeited to the

United States. An appeal of that decision is pending.

Manhattan U.S. Attorney PREET BHARARA stated: "As alleged, for years, important contemporary art works by Roy Lichtenstein and Joaquin Torres-Garcia were held hostage by Edemar Cid Ferreira's fraud. Today, we return these valuable paintings to their rightful place in Brazil. This case underscores the relevance and importance of customs laws in our times, sending the clear message that we will pursue individuals who steal from their country and who try to conceal their crimes in the stream of American commerce."

ICE Deputy Director ALONZO R. PEÑA stated: "We are honored to return these iconic works of art to the people of Brazil. These are precisely the types of treasures that ICE's Cultural Property Art and Antiquities unit was established to identify, investigate and return to their rightful owners. We will continue to be vigilant about finding and prosecuting those who would rob a nation for personal gain."

Mr. BHARARA praised the investigative work of ICE in helping to locate and seize the paintings. He was grateful for the assistance of the Department of Justice's Office of International Affairs. BHARARA thanked Brazilian authorities for their assistance in the case. He also acknowledged the assistance of the U.S. Department of State and the U.S. Embassy in Brazil for its assistance in the investigation. Mr. BHARARA added that the investigation is ongoing.

The case is being handled by the Asset Forfeiture Unit of the U.S. Attorney's Office. Assistant U.S. Attorney JASON P. HERNANDEZ is in charge of the litigation.

10-298

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-v.-

The painting known as "*Hannibal*" by the artist Jean-Michel Basquiat, from 1982, an acrylic, oil stick and paper collage on canvas, mounted on tied wood, approximately 60 x 60 inches with an appraised value of approximately eight million dollars;

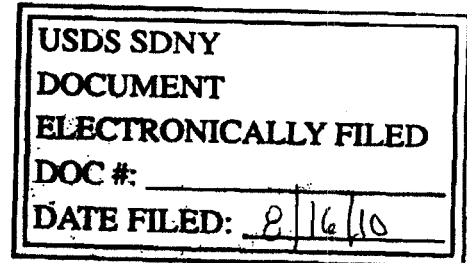
The painting known as "*Modern Painting with Yellow Interweave*" by the artist Roy Lichtenstein, an abstract painting with geometric shapes, including two "half-rings," filled with yellow, with black outlines, and with a black vertical strip dividing the painting in two "halves," signed on the back, with a value of at least approximately one million, five hundred thousand dollars;

The painting known as "*Figures dans une structure*" [Figures in a structure], by the artist Joaquin Torres-Garcia, signed in the upper left corner, dated in the upper right hand corner, and purchased in 2004 for approximately two hundred thirty thousand dollars;

The painting known as "*Composition abstraite*" [Abstract composition] by the artist Serge Poliakoff, painted in 1969, an oil painting on burlap, with abstract geometric shapes in red, blue, yellow and brown, approximately 162 x 135 centimeters, sold at auction in 2004 for more than three hundred seventy-eight thousand dollars;

DEFAULT JUDGMENT AS TO
THE LICHTENSTEIN

08 Civ. 1511 (RJS)



The sculpture known as "Roman togatus" by an unidentified artist, a masculine figure wearing a toga, on a circular base, without head or hands, with an appraised value of approximately one hundred thousand dollars;

Defendants-*in-rem*.

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WHEREAS, on February 13, 2008, the United States commenced a civil action for the forfeiture of the painting known as "Hannibal" by the artist Jean-Michel Basquiat by the filing of a Verified Complaint;

WHEREAS, on May 23, 2008, the United States filed an Amended Verified Complaint for the forfeiture of the painting known as "Modern Painting with Yellow Interweave" by the artist Roy Lichtenstein (the "Lichtenstein"), the painting known as "Figures dans une structure" [Figures in a structure] by the artist Joaquin Torres-Garcia, and the painting known as "Composition abstraite" [Abstract composition] by the artist Serge Poliakoff;

WHEREAS, notice of the Verified Complaint was published in The New York Law Journal for three successive weeks on May 2, 2008, May 9, 2008, and May 16, 2008, and proof of such publication was filed with the Clerk of the Court on June 24, 2008;

WHEREAS, notice of the Verified Complaint was published in The International Herald Tribune for three successive weeks on

May 8, 2008, May 15, 2008, and May 22, 2008, and proof of such publication was filed with the Clerk of this Court on June 24, 2008;

WHEREAS, on October 17, 2008, the United States filed a Second Amended Complaint against the Defendants in-rem;

WHEREAS, notice of the Second Amended Complaint was posted on the official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on October 24, 2008, and proof of such publication was filed with the Clerk of this Court on December 2, 2008;

WHEREAS, notice of the Second Amended Complaint was published in The Miami Herald for three successive weeks on January 6, 2009, January 13, 2009, and January 20, 2009, and proof of such publication was filed with the Clerk of this Court on March 3, 2009;

WHEREAS, notice of the Second Amended Complaint was published in The New York Law Journal for three successive weeks on November 28, 2008, December 5, 2008, and December 12, 2008, and proof of such publication was filed with the Clerk of this Court on April 15, 2009;

WHEREAS, notice of the Second Amended Complaint was published in The International Herald Tribune for three successive weeks on November 20, 2008, November 27, 2008, and December 4, 2008, and proof of such publication was filed with the Clerk of this Court on April 15, 2009;

WHEREAS, on August 19, 2008, Seth Landsberg ("Landsberg") filed a claim asserting an interest in the Lichtenstein;

WHEREAS, on August 19, 2008, Douglas Christmas as both an individual and as the owner of the art gallery, Art & Architecture Books of the 21st Century, doing business as Ace Gallery Los Angeles ("Ace Gallery") filed a claim asserting an interest in the Lichtenstein;

WHEREAS, on November 3, 2008, Landsberg filed an Answer;

WHEREAS, on January 22, 2009, Vnio Cesar Aguiar, as Trustee for the Estate of Banco Santos (the-"Trustee"), filed a claim for, inter alia, the Lichtenstein;

WHEREAS, on March 13, 2009, the Trustee filed an Answer;

WHEREAS, on December 10, 2009, the Trustee and Plaintiff the United States of America entered into a settlement agreement whereby, inter alia, the Trustee withdrew its claim to the Lichtenstein;

WHEREAS, on February 22, 2010, Landsberg, Plaintiff the United States of America, and the Trustee entered into a settlement agreement regarding the Lichtenstein which stated, inter alia, that upon certain conditions, Landsberg would withdraw his claim to the Lichtenstein;

WHEREAS, on April 12, 2010, Landsberg voluntarily

dismissed with prejudice his claim against the Lichtenstein pursuant to the February 22, 2010 settlement agreement;

WHEREAS, the Government has effected direct notice to any person or any entity that may have a potential interest in the Lichtenstein;

WHEREAS, no other claims or answers have been filed or made in this action for the Lichtenstein and no other parties have appeared to contest the action to date, and the requisite time periods have expired;

WHEREAS, Ace Gallery has not filed an answer and the time periods in which to do so, as set forth in 18 U.S.C. § 983(a)(4)(A) and Rule G(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims, have expired;

NOW THEREFORE, on the motion of Preet Bharara, United States Attorney for the Southern District of New York, attorney for the plaintiff United States of America, Jason P. Hernandez of counsel;

1. Plaintiff United States of America shall have judgment by default against the Lichtenstein.
2. The Lichtenstein is forfeited to Plaintiff United States of America.

3. Immigration and Customs Enforcement or any designated federal law enforcement officer shall dispose of the Lichtenstein according to law.

Dated: New York, New York
July ~~Aug~~ 16, 2010

SO ORDERED:



HONORABLE RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK