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Prosecutors Claim $57 Million from Belarusian Firm Was Misappropriated by Ex-Supreme Court Minister's Husband

El Ciudadano · 6 de noviembre de 2025

The Los Lagos Prosecutor's Office filed a chapter-based complaint against Vivanco, a necessary procedure for the formalization of the former Supreme Court minister.

Original article: Fiscalía: $57 millones de compañía bielorrusa habrían llegado a esposo de Ángela Vivanco

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The Public Ministry alleges that at least $57 million from the Belarusian consortium Belaz-Movitec (CBM) allegedly ended up in the hands of Gonzalo Migueles, the husband of former Supreme Court Minister Ángela Vivanco, in exchange for favorable rulings for the company in its multimillion-dollar lawsuit against Codelco.

This information came to light in a 148-page document presented by the prosecution to the 7th Guarantee Court of Santiago, seeking the arrest of Migueles and lawyers Mario Vargas and Eduardo Lagos, representatives of CBM in the legal process with the state mining company, as well as a raid on the ex-judge's residence.

According to a report by CIPER, the payments were made on two specific occasions, coinciding with key judicial rulings in which Vivanco actively participated. The prosecution contends that the former minister «concurred with her vote to resolutions favoring the procedural and financial claims of CBM, which compelled Codelco to disburse millions to the consortium,» funds that would later be used to settle payments to her partner.

The Payments and the Rulings That Preceded Them

According to the prosecution document, the first payment occurred on December 18, 2023. This payment would have been made after the Third Chamber of the Supreme Court, which included Vivanco, ruled in favor of CBM in several critical appeals for the litigation against Codelco.

On July 4, 2023, with Vivanco's favorable vote, the Court accepted a protection application from CBM, ordering Codelco to immediately return machinery and lift payment retention, which implied a disbursement of over $12 billion from the state-owned copper mining company.

On September 28, 2023, again with Vivanco's vote, the highest court ruled in favor of a clarification appeal that required Codelco to pay an additional $4 billion for the cost of demobilizing CBM's machinery.

The prosecution determined that, to facilitate the payment, lawyer Eduardo Lagos coordinated with a currency exchange called «Inversiones Suiza Ltda.» to disguise the source of the funds. Lagos issued a check for $70 million, which was exchanged for dollars without recording the transaction. Ultimately, on December 18, 2023, Migueles went to the lawyers' office in the El Golf neighborhood and received $14,000 in cash.

The second payment reportedly occurred on June 17, 2024, after Vivanco intervened to ensure that Codelco paid CBM another $1.026 billion for readjustment costs and VAT related to the demobilization of equipment.

The investigation established that, for this payment, Lagos issued a check for $45 million to Miguel Ángel Obieta, a worker at the exchange house of Harold Pizarro, a client of lawyers Vargas and Lagos, who cashed it in cash. The money was delivered to Migueles, partly in Chilean pesos and partly in dollars, in front of the offices of Inversiones Suiza Ltda. According to the prosecution, the funds were later taken to the Property Conservator of Puente Alto, Sergio Yáber, to carry out transfers that disguised their origin, in a clear money laundering operation.

The Money Laundering Route and Trips to Argentina and Brazil

The Public Ministry has outlined a complex network of triangulations aimed at concealing the illicit source of the money. In both transactions, lawyers Lagos and Vargas utilized the services of the exchange house «Inversiones Suiza Ltda.," owned by Harold Pizarro Iturrieta, to convert nominative checks into untraceable cash.

Subsequently, in the case of the $45 million, the property conservators Sergio Yáber (from Puente Alto) and Yamil Najle (from Chillán), who had previous work ties with Migueles, became involved. They allegedly accepted the money without verifying its origin and made fragmented transfers to reintroduce the funds into the financial system and launder them.

The prosecution also asserts that part of this money was allocated to the couple's personal expenses. After receiving the first payment in December 2023, Vivanco and Migueles traveled to Buenos Aires from December 22 to 25, 2023, and later enjoyed a vacation in Brazil from January 12 to 27, 2024, incurring millennial expenses in dollars on their credit cards.

Clandestine Meetings and Vivanco's Defense

The investigation relies not only on the money trail but also on physical and digital evidence linking those involved. The arrest warrant describes that while the case was being processed in the Supreme Court, Vivanco, Migueles, Vargas, and Lagos met at the former minister's home.

Specifically, it details that on February 9, 2024, just days before CBM lawyers entered a complaint before the Supreme Court, all met at the residence of the ex-judge. Additionally, the prosecution claims that a defense document for CBM, submitted on August 8, 2023, to the Court of Appeals in Copiapó, was entered into that court from Vivanco's home, based on the geolocation of the involved individuals' mobile phones.

When questioned by CIPER, ex-minister Vivanco reiterated her innocence, stating, «As I have said before, we had separate finances, and consequently, the exchanges of money between us were related to common expenses, reimbursements for one of us spending more or less, and contributions to expenditures. However, I had no control, access, or joint accounts with him, so any payment that appears... obviously, in his statements (Gonzalo Migueles), he will have to account for what happened, I had no knowledge of either of the payments you mention. And I also had no involvement in any transaction related to the case.»

However, the prosecution describes the role of the former Supreme Court minister in the entire scheme this way:

«Among the various decisions where the accused Vivanco intervened in violation of her duties during the processing of the protection appeal before the Supreme Court, she participated with her vote in resolutions favoring the procedural and financial claims of CBM, which compelled Codelco to disburse millions to the consortium, funds with which the company paid fees to the accused lawyers, who then, with part of those resources, provided economic benefits to then-Minister Vivanco and her partner Victor Gonzalo Migueles Oteiza, who conspired with her to facilitate the means to receive the payment, aware of both the bribery and the illicit source of the money, which they used for personal purposes,» the prosecutorial body stated in the document noted by CIPER.

Criminal Complaint from the CDE

This case, known as the «Belarusian Doll» offshoot within the larger «Audio» investigation, has had immediate repercussions. Gonzalo Migueles and lawyers Mario Vargas and Eduardo Lagos are currently detained. Additionally, the State Defense Council (CDE) has filed a criminal complaint against all involved for bribery, corruption, and money laundering, and has formally joined the case.

For Ángela Vivanco, the consequences have also been severe. In September 2024, she was suspended from the Supreme Court after it was established that she maintained contacts with attorney Luis Hermosilla, formalized for money laundering, bribery, and tax evasion as part of the so-called «Audio Case,» which involves numerous former government officials, politicians, and business figures.

WhatsApp conversations between Vivanco and the criminal lawyer, who is under total house arrest, might reflect her influence to ensure the ex-minister joined the Supreme Court and later interfered in appointments and the delivery of critical information.

It is worth noting that while the former minister is implicated in the investigation of the «Belarusian Doll» extension, for her to be detained, a chapter-based complaint should be filed since at the time of the events, she was a member of the highest court and thus had immunity.

Nevertheless, the Los Lagos Prosecutor's Office filed a chapter-based complaint against Vivanco this Wednesday.

This legal action now places the decision in the hands of the country's highest court, which is necessary for the eventual formalization of the ex-magistrate, scheduled for this Friday, reported Diario U de Chile.

Fuente: El Ciudadano