

Halliburton / Kellogg Brown & Root LLC (TSKJ Consortium Nigeria Settlement / Swiss Account)

Case ID:

ARW-73

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Nigeria

United States

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

NA

Jurisdiction of Asset Recovery:

Switzerland

Jurisdiction of Asset Recovery ? Description:

Asset Location / Alleged Asset Location

Asset Recovery Start:

2010

Asset Recovery End:

Ongoing

UNCAC Offenses Implicated:

Art.16

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Unspecified (Arising out of nonprosecution agreement between Government of Nigeria and Halliburton)

Intl.Cooperation: MLAT/Letter of Request?:

Unknown

Basis for Intl Cooperation:

Unspecified

Contributing Factors in Asset Recovery:

Ongoing Case

Status of Asset Recovery :

Unknown

Stage in Asset Recovery Chain:

Unknown

Assets Frozen or Seized (USD):

\$135,000,000

Agreement for Returned Assets:

Unknown

Agreement for Returned Assets - Description:

Unknown

Case Summary:

According to a December 21, 2010 Press Release by Halliburton, as part of its agreement with the Federal Government of Nigeria (FGN), "Halliburton agreed to pay US\$32.5 million to

the FGN and to pay an additional US\$2.5 million for FGN's attorneys' fees and other expenses. Among other provisions, Halliburton agreed to provide reasonable assistance in the FGN's effort to recover amounts frozen in a Swiss bank account of a former TSKJ [the joint venture in development of the natural gas liquefaction project on Bonny Island, Nigeria] agent." (Source: Halliburton Press Release, "Halliburton Confirms Agreement to Settle with Federal Government of Nigeria," December 21, 2010; see also BBC News, "Nigeria drops Dick Cheney bribery charges," December 17, 2010 (quoting EFCC spokesman Femi Babafemi as stating that the settlement had been reached and mention of frozen foreign account.) The 2010 Ministerial Media Briefing on the Activities of the Federal Ministry of Justice by Mr. Mohammed Bello Adoke, SAN, Honourable Attorney-General of the Federation and Minister of Justice, also noted the Halliburton settlement. (22 December 2010). Background to the Bonny Island project and misconduct are described in US v. Kellogg Brown & Root LLC, Case No. 4:09-cr-00071 (S.D. Tex.), Plea Agreement and Statement of Facts filed on February 11, 2009. Please note that the settlement agreement with the Nigerian government is confidential and not publicly available.

Disposition of Criminal Case(s):

According to a December 21, 2010 Press Release by Halliburton, pursuant to an agreement with the Federal Government of Nigeria (FGN), "all lawsuits and charges against KBR and Halliburton corporate entities and associated persons have been withdrawn, the FGN agreed not to bring any further criminal charges or civil claims against those entities or persons." (Source: Halliburton Press Release, "Halliburton Confirms Agreement to Settle with Federal Government of Nigeria," December 21, 2010.)

Jurisdiction of Origin: Investigative Agency:

NA

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

US: Department of Justice (Fraud Section); Nigeria: Ministry of Justice, Economic and Financial Crimes Commission

Jurisdiction of Asset Recovery: Investigative Agency:

Unspecified

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

Unspecified

Jurisdiction of Asset Recovery: Courts Involved:

Unspecified

Documents:

Halliburton_Nigeria_Settlement_Company_Press_Release_Dec_21_2010.pdf

Halliburton_KBR_US_Plea_Agreement_Feb_11_2009.pdf

Halliburton_KBR_Nigeria_Settlement_BBC_News_Dec_17_2010.pdf

Documents Links:

Other Sources:

Halliburton Press Release, "Halliburton Confirms Agreement to Settle with Federal Government of Nigeria," December 21, 2010, accessed at www.halliburton.com/public/news/pubsdata/press_release/2010/corpnws_1221... BBC News, "Nigeria drops Dick Cheney bribery charges," December 17, 2010 (quoting EFCC spokesman Femi Babafemi), accessed at <http://www.bbc.co.uk/news/world-africa-12018900>; 2010 Ministerial Media Briefing on the Activities of the Federal Ministry of Justice by Mr. Mohammed Bello Adoke, SAN, Honourable Attorney-General of the Federation and Minister of Justice (22 December 2010). See also, US v. Kellogg Brown & Root LLC, Case No. 4:09-cr-00071 (S.D. Tex.), Plea Agreement and Statement of Facts filed on February 11, 2009, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/kelloggb/02-11-09kbr-pl...>