

Diepreye Alamiyeseigha (South Africa)

Case ID:

ARW-52

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Nigeria

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

Governor (1999-2005)

Jurisdiction of Asset Recovery:

South Africa

Jurisdiction of Asset Recovery ? Description:

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

Asset Recovery Start:

2005

Asset Recovery End:

2007

UNCAC Offenses Implicated:

Art.15

Art.19

Art.20

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Non-Conviction Based Confiscation

Intl.Cooperation: MLAT/Letter of Request?:

Unknown

Basis for Intl Cooperation:

Unspecified

Contributing Factors in Asset Recovery:

The use by South Africa's Asset Forfeiture Unit of non-conviction based confiscation proceedings allowed the authorities to seize property by demonstration of the illegal origin of the funds used to acquire it, but before the criminal prosecution concluded in Nigeria. (Source: StAR Case Study, "Diepreye Alamiyeseigha").

Status of Asset Recovery :

Completed

Assets Returned (USD) - Description:

Unspecified Amount [proceeds from sale of property in 2007]

Agreement for Returned Assets:

No

Agreement for Returned Assets - Description:

NA

Case Summary:

In February 2006, the Asset Forfeiture Unit of the National Prosecuting Authority of South Africa secured a court order to freeze a residential property belonging to Mr. Alamiyeseigha

on the Cape Town waterfront. An application to freeze, first the rental income from the apartment and later his interest in the apartments themselves, was successful. United Kingdom's High Court also notes that (Mr. Alamiyeseigha's corporate vehicle) Santolina Investment Corporation's bank statements from the "principal Royal Bank of Scotland account where a sum of GBP949,000 was paid out, apparently to acquire a property." (Sources: Stolen Asset Recovery (StAR) Initiative Case Study, "Diepreye Alamiyeseigha." Republic of Nigeria v. Santolina & Ors., [2007] EWHC 3053 (QB), Judgment dated December 3, 2007). Funds were returned to Nigeria following the sale of the property in January 2007. According to an article by attorneys Tim Daniel and James Maton, who had represented Nigeria in the UK civil proceedings, "Nigeria successfully intervened in the proceeding seeking an order for the return of the proceeds of sale." (Source: James Maton and Tim Daniel, "The Kleptocrat's Portfolio Decisions," in Draining Development? Controlling Flows of Illicit Funds from Developing Countries, Peter Reuter, ed., (The World Bank, 2012) at 433-434.)

Disposition of Criminal Case(s):

According to the December 3, 2007 UK High Court decision in Nigeria v. Santolina Investment Corp and Ors, Mr. Alamiyeseigha entered a guilty plea in Nigeria's High Court to six counts of making false declaration of assets. According to the same judgment, Mr. Alamiyeseigha was arrested at Heathrow Airport in September 2005 by officers of the Metropolitan Police and initially remanded but later granted bail. In breach of his bail requirements, he left UK and returned to Nigeria in November 2005. (Source: Nigeria v. Santolina Investment Corp and Ors, [2007] EWHC 3053 (Q.B.)) In March 2013, he was pardoned in Nigeria. (Source: BBC News, "Nigeria pardons Goodluck Jonathan ally, Alamiyeseigha," March 13, 2013.)

Jurisdiction of Origin: Investigative Agency:

Economic and Financial Crimes Commission

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

Economic and Financial Crimes Commission

Jurisdiction of Origin: Courts Involved:

Federal High Court (Lagos)

Jurisdiction of Asset Recovery: Investigative Agency:

The National Prosecuting Authority of South Africa, Asset Forfeiture Unit

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

The National Prosecuting Authority of South Africa, Asset Forfeiture Unit; Edwards Angell Palmer & Dodge LLP (James Maton, Tim Daniel)

Jurisdiction of Asset Recovery: Courts Involved:



Unknown

Documents:

Alamiyeseigha_2007_EWHC_3053 (QB).rtf

Alamiyeseigha_StAR_Case_Study.pdf

Documents:

Attachment	Size
 Alamiyeseigha_Pardon_BBC_News_Mar_13_2013.pdf	172.36 KB
 Alamiyeseigha_StAR_Case_Study.pdf	90.28 KB

Documents Links:

Other Sources:

Republic of Nigeria v. Santolina & Ors., [2007] EWHC 3053 (QB), Judgment dated December 3, 2007; Stolen Asset Recovery (StAR) Initiative Case Study, "Diepreye Alamiyeseigha" (attached PDF).

James Maton and Tim Daniel, "The Kleptocrat's Portfolio Decisions," in *Draining Development? Controlling Flows of Illicit Funds from Developing Countries*, Peter Reuter, ed., (The World Bank, 2012) at 433-434.

BBC News, "Nigeria pardons Goodluck Jonathan ally, Alamiyeseigha," March 13, 2013, at <http://www.bbc.com/news/world-africa-21769047>.