

James Ibori / Bhadresh Gohil (United States)

Case ID:

ARW-26

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Nigeria

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

Gohil: Solicitor to James Ibori, Delta State Governor (1999-2007)

Jurisdiction of Asset Recovery:

United States

Jurisdiction of Asset Recovery ? Description:

Asset Location / Alleged Asset Location

Asset Recovery Start:

2012

Asset Recovery End:

Ongoing

UNCAC Offenses Implicated:

Art.20

Art.25

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Enforcement of Foreign Restraint Order

Intl.Cooperation: MLAT/Letter of Request?:

MLAT

Basis for Intl Cooperation:

Instrument as Contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance Between the United States of America and the European Union Signed 25 June 2003, as to the Application of the Treaty Between the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Mutual Legal Assistance in Criminal Matters Signed 6 January 1994, U.S.-U.K., Dec. 16, 2004, S. Treaty Doc. 109-13 (2006); Treaty with the United Kingdom on Mutual Legal Assistance on Criminal Matters, U.S.-U.K., Jan. 6, 1994

Contributing Factors in Asset Recovery:

Ongoing Case

Status of Asset Recovery :

Ongoing

Stage in Asset Recovery Chain:

Investigation/Asset Tracing/Asset Restraint

Agreement for Returned Assets:

Ongoing

Agreement for Returned Assets - Description:

N/A

Case Summary:

See related entry "James Ibori - United Kingdom"

According to the factual basis for the US ex parte application to enforce the UK restraint order, "Governor Ibori and his associates misappropriated millions of dollars in Delta State funds and laundered those proceeds through a myriad of shell companies, intermediaries, and nominees in the United Kingdom. Governor Ibori, with the active assistance and participation of Gohil, fraudulently diverted and misappropriated millions of dollars in Delta State funds to various businesses he controlled through his relatives and associates." (Source: UNITED STATES? EX PARTE APPLICATION TO ENFORCE AND REGISTER FOREIGN RESTRAINING ORDERS PURSUANT TO 28 U.S.C. § 2467(d)(3) AND STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT THEREOF. IN RE ENFORCEMENT OF RESTRAINING ORDERS ISSUED BY THE HIGH COURT OF ENGLAND AND WALES, QUEEN?S BENCH DIVISION, UNITED KINGDOM, AND THE CROWN COURT OF ENGLAND WALES, UNITED KINGDOM, Case No. 12-mc-289. (D.D.C., 16 May 2012.). The US federal court granted the restraint order. (Source: US Department of Justice Press Release, "U.S. Restrains More Than \$3 Million in Corruption Proceeds Related to Former Governor of Nigeria," July 23, 2012.)

In July 2013, the US Government filed a response to the Court Order to Show Cause, urging the court not to terminate the action and to retain jurisdiction over the matter until confiscation proceedings in the UK conclude. As of June 2016, the US case was ongoing. (Source: In Re: Enforcement of Restraining Order Issued by the High Court of England and Wales, Case No. 1:12-mc-00289 (D.D.C.), US Government Reponse to Order to Show Cause filed July 16, 2013; Court Docket Report as of June 17, 2016.) According to news reports, the UK confiscation hearing that was rescheduled for June 2016 was again postponed. (Source: Vanguard, "London judge adjourns Ibori?s case to June 6, 2016," April 14, 2015.)

Disposition of Criminal Case(s):

According to a May 2014 statement by Nigeria's Economic and Financial Crimes Commission, a lower court decision to strike out "all 170-count charge of money laundering preferred against former governor of Delta State, James Onanefe Ibori by the Economic and Financial Crimes Commission, EFCC, a three-man panel of justices at the Benin Division of the Court of Appeal today, May 15, 2014 ruled that the ex- governor who is currently serving a 13-year jail term in a London prison, has a case to answer." (Source: EFCC, "Money Laundering: Ibori Has Case to Answer - Appeals Court," May 15, 2014.) According to the United States' Ex Parte Application to Enforce and Register Foreign Restraining Orders, Mr. Gohil was convicted in the UK "in November 2010 of money laundering and prejudicing a money laundering investigation, and in December 2010, pleaded guilty to an additional eight offenses related to the V Mobile fraud. Gohil was sentenced to ten years imprisonment." (Source: UNITED STATES? EX PARTE APPLICATION TO ENFORCE AND REGISTER FOREIGN RESTRAINING ORDERS PURSUANT TO 28 U.S.C. § 2467(d)(3) AND STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT THEREOF. IN RE ENFORCEMENT OF RESTRAINING ORDERS ISSUED BY THE HIGH COURT OF ENGLAND AND WALES, QUEEN?S BENCH DIVISION, UNITED KINGDOM, AND THE CROWN COURT OF ENGLAND WALES, UNITED KINGDOM, Case No. 12-mc-289. (D.D.C., May 16, 2012.)

Jurisdiction of Origin: Investigative Agency:

Economic and Financial Crimes Commission (Nigeria)

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

Crown Prosecution Service (UK)

Jurisdiction of Origin: Courts Involved:

Southwark Crown Court (UK)

Jurisdiction of Asset Recovery: Investigative Agency:

Department of Justice, Criminal Division, Asset Forfeiture and Money Laundering Section







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

Department of Justice, Criminal Division, Asset Forfeiture and Money Laundering Section

Jurisdiction of Asset Recovery: Courts Involved:

U.S. District Court for the District of Columbia

Documents:

Attachment	Size
 Gohil_UK_Restraint_Order_Nov_2008.pdf	1.07 MB
 Ibori_US_Ex_Parte_Restrain_Order_DDC_May_2012.pdf	119.75 KB
 Ibori_US_Restrain_3_Million_Dept_Justice_Press_Release_Jul_23_2012.pdf	63.25 KB
 Ibori_US_DDC_US_Response_Show_Cause_Order_Jul_16_2013.pdf	38.88 KB
 Ibori_Nigeria_Appeals_Ct_EFCC_May_15_2014.pdf	202.34 KB
 Ibori_UK_London judge adjourns Ibori's case to June 6, 2016 - Vanguard News_Apr_14_2015.pdf	583.71 KB

Other Sources:

Nigeria Economic and Financial Crimes Commission (EFCC), "Money Laundering: Ibori Has Case to Answer - Appeals Court," May 15, 2014, at

<https://efccnigeria.org/efcc/index.php/news/870-money-laundering-ibori-h...>

Today (Nigeria), "London court suspends James Ibori's confiscation hearing," June 10, 2016;

Vanguard, "London judge adjourns Ibori's case to June 6, 2016," April 14, 2015;

UNITED STATES? EX PARTE APPLICATION TO ENFORCE AND REGISTER FOREIGN RESTRAINING ORDERS PURSUANT TO 28 U.S.C. § 2467(d)(3) AND STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT THEREOF. IN RE ENFORCEMENT OF RESTRAINING ORDERS ISSUED BY THE HIGH COURT OF ENGLAND AND WALES, QUEEN'S BENCH DIVISION, UNITED KINGDOM, AND THE CROWN COURT OF ENGLAND WALES, UNITED KINGDOM, Case No. 12-mc-289. (D.D.C., May 16, 2012), Exhibit B, UK High Court Order of Restraint against Mr. Gohil, November 17, 2008.);

US Department of Justice Press Release, "U.S. Restrains More Than \$3 Million in Corruption Proceeds Related to Former Governor of Nigeria," July 23, 2012, accessed at <http://www.justice.gov/opa/pr/2012/July/12-crt-906.html>