

James Ibori (United States)

Case ID:

ARW-85

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Nigeria

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

Delta State Governor (1999-2007)

Jurisdiction of Asset Recovery:

United States

Jurisdiction of Asset Recovery ? Description:

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

Asset Recovery Start:

2012

Asset Recovery End:

Ongoing

UNCAC Offenses Implicated:

Art.20

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Non-Conviction Based Forfeiture; Actions Initiated by Foreign Jurisdiction

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:

Before Court of First Instance

Agreement for Returned Assets:

Ongoing

Agreement for Returned Assets - Description:

N/A

Case Summary:

According to the US Department of Justice Press Release, "Through an application to register and enforce two orders from United Kingdom courts, the Department of Justice has secured a restraining order against more than \$3 million in corruption proceeds located in the United States related to James Onanefe Ibori. [] The application, which was filed under seal on May 16, 2012, in U.S. District Court in the District of Columbia, seeks to restrain assets belonging to Governor Ibori and Bhadrash Gohil, Ibori's former English solicitor, that are proceeds of corruption. Specifically, it seeks to restrain a mansion in Houston and two Merrill Lynch brokerage accounts. [] The United States is working with the United Kingdom's Crown Prosecution Service and the Metropolitan Police Service to forfeit these corruption proceeds." (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.) According to the Ex Parte Application filed by the US Department of Justice, the Houston property is located at 931 Enclave Lake Drive and the Merrill Lynch accounts are: 1CA-07411 and 1CA-07246. (Source: In Re: Enforcement of Restraining Order Issued by the High Court of England and Wales, Case No. Case No. 1:12-mc-00289 (D.D.C.), Ex Parte application by United States filed on May 16, 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; Today (Nigeria), "London court suspends James Ibori's confiscation hearing," June 10, 2016, at <https://www.today.ng/news/national/135296/london-court-suspends-james-ib...>)

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 US Department of Justice, "Governor Ibori was convicted in the United Kingdom of money laundering and conspiracy to defraud and was sentenced by a British court on April 18, 2012, to 13 years in prison." (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.)

Jurisdiction of Origin: Investigative Agency:

Unspecified

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

Unspecified

Jurisdiction of Origin: Courts Involved:

Unspecified

Jurisdiction of Asset Recovery: Investigative Agency:

Unspecified






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

Department of Justice, Asset Forfeiture and Money Laundering Section

Jurisdiction of Asset Recovery: Courts Involved:

US District Court for the District of Columbia

Documents:

Attachment	Size
 Ibori_US_DDC_US_Response_Show_Cause_Order_Jul_16_2013.pdf	38.88 KB
 Ibori_US_Asset_Restraint_DOJ_PR_Jul_23_2012.pdf	350.47 KB
 Ibori_US_Ex_Parte_Restrain_Order_DDC_May_2012.pdf	119.75 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-has-case-to-answer-appeal-court>;

Today (Nigeria), "London court suspends James Ibori's confiscation hearing," June 10, 2016, at <https://www.today.ng/news/national/135296/london-court-suspends-james-ib...>

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

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>;

In Re: Enforcement of Restraining Order Issued by the High Court of England and Wales, Case No. 1:12-mc-00289 (D.D.C.), Ex Parte application by United States filed on May 16, 2012; US Government Response to Order to Show Cause filed July 16, 2013; Court Docket Report as of September 14, 2015.