

James Ibori / Bhadresh Gohil (Hong Kong SAR, China)

Case ID:

ARW-23

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Nigeria

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

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

Jurisdiction of Asset Recovery:

Hong Kong SAR, China

Jurisdiction of Asset Recovery ? Description:

Asset Location / Alleged Asset Location

Asset Recovery Start:

2008

Asset Recovery End:

Ongoing

UNCAC Offenses Implicated:

Art.20

Art.25

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Criminal Prosecution and Forfeiture (United Kingdom)

Intl.Cooperation: MLAT/Letter of Request?:

Unknown

Basis for Intl Cooperation:

Unspecified

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:

According to the 2008 Restraint Order issued by the UK High Court, among the assets ordered restrained was "An account held at HSBC Bank, Harcourt Road Branch, Central Hong Kong account number 102-397296-274, held in the name of Zetland Financial Group Ltd." (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.), Exhibit .B, UK High Court Order of Restraint against Mr. Gohil, November 17, 2008.)

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 had been rescheduled for June 2016 was again postponed. (Sources: 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)

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: Prosecuting Authority/Civil Attorney(s):

Economic and Financial Crimes Commission (Nigeria); Crown Prosecution Service (UK)

Jurisdiction of Origin: Courts Involved:

Southwark Crown Court (UK)

Documents:

Attachment	Size
 Ibori_US_Ex_Parte_Restrain_Order_DDC_May_2012.pdf	119.75 KB
 Ibori_US_Asset_Restraint_DOJ_PR_Jul_23_2012.pdf	350.47 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; 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>