

Mahamoud Adam Bechir and Nouracham Niam; Ikram Mahamat Saleh / United States (Caracal Energy [formerly Griffiths Energy] shares case)

Case ID:

ARW-240

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Chad

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

Ambassador to South Africa (current); former Ambassador to Canada and the United States (Bechir); Wife of Ambassador (Niam); Wife of Chad's Deputy Chief of Mission Youssouf Hamid Takane. 2007-2015 (Saleh)

Jurisdiction of Asset Recovery:

United States

Jurisdiction of Asset Recovery ? Description:

Undertaking Recovery Effort; Location of Recovery Effort

Asset Recovery Start:

2014

Asset Recovery End:

Ongoing

Legal Basis for Asset Recovery:

Non-Conviction Based Asset Forfeiture

Intl.Cooperation: MLAT/Letter of Request?:

MLAT

Basis for Intl Cooperation:

Mutual Legal Assistance Treaty (between US and UK - for freeze of assets)

Status of Asset Recovery :

Ongoing

Stage in Asset Recovery Chain:

Before Court of First Instance

Case Summary:

According to the US Department of Justice press release, "As alleged in the complaint, in 2009, Bechir and Takane agreed to use their official positions to influence the award of oil development rights in Chad to Griffiths Energy International Inc., a Canadian oil company, in exchange for shares in the company. Thereafter, in or about October 2009, Griffiths Energy issued four million shares to the wives of Bechir and Takane and to another associate.

The complaint further alleges that Griffiths Energy agreed with Bechir and his wife that the company would pay a \$2 million consulting fee to Bechir's wife to influence the award of oil development rights in Chad. After securing the desired oil development rights in February 2011, Griffiths Energy allegedly transferred \$2 million to an account held by a shell company created by Bechir's wife. This bribe payment was commingled and laundered through U.S.

bank accounts and real property, and eventually was transferred to Bechir's bank account in South Africa, where he is now serving as Chad's Ambassador. In 2013, Griffiths Energy pleaded guilty in Canadian court to bribing Bechir.

The \$34 million that the United States seeks in forfeiture represents the cash value of the four million shares in Griffiths Energy that were provided to the wives of Bechir and Takane and to their associate. In a separate action filed in 2014, the United States also is seeking the civil forfeiture of over \$100,000 in allegedly laundered funds traceable to the \$2 million bribe payment. Takane resides in the United States." (Source: US Department of Justice Press Release, "Department of Justice Seeks Forfeiture of \$34 Million in Bribe Payments to the Republic of Chad's Former Ambassador to the U.S. and Canada," June 30, 2015.)

According to the civil asset forfeiture complaint in the case, the alleged bribery proceeds are held in accounts in the UK's Royal bank of Scotland in the name of Mrs. Niam and Mrs. Saleh, who have both filed claims, along with Ms. Niam's former attorney in Canada for unpaid fees arising out of Canadian court proceedings, to the assets in the US District Court for the District of Columbia. (Source: US v. Approximately £22 million in British Pounds representing the value of 4,000,000 shares of common stock in Caracal Energy Inc., formerly Griffiths Energy International, Inc., Case No. 1:15-cv-01018 (D.D.C.), Verified Complaint filed June 30, 2015; Verified Claim filed by Ms. Niam on August 14; Verified Claim filed by Mrs. Saleh on August 17; Verified Claim filed by CESPC.) The Government of Chad also filed a claim on October 16, stating that the "funds [were] paid wrongfully to representatives of Chad in an effort to obtain rights belonging to Chad." The Claim was signed by the Deputy General Secretary of the Republic of Chad. (Source: US v. Approximately £22 million in British Pounds representing the value of 4,000,000 shares of common stock in Caracal Energy Inc., formerly Griffiths Energy International, Inc., Case No. 1:15-cv-01018 (D.D.C.), Verified Claim filed by Government of Chad, at para 6, October 16, 2015; Answer by Government of Chad to Verified Claim, filed October 26, 2015). As of June 23, 2016, the case was ongoing.

Disposition of Criminal Case(s):

N/A; Civil asset forfeiture case in US

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

US law firms representing Office of the President of the republic of Chad: Stein Mitchell Cipollone Beato & Missner LLP; Hellring Lindeman Goldstein & Siegal LLP

Jurisdiction of Asset Recovery: Investigative Agency:

Federal Bureau of Investigation

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




Kleptocracy Asset Recovery Initiative, Department Justice, Criminal Division's Asset Forfeiture and Money Laundering Section

Jurisdiction of Asset Recovery: Courts Involved:

US District Court for the District of Columbia

Documents:

Attachment	Size
 Bechir_USDOJ_Griffiths Energy Stock Forfeiture Case_PR_Jun30 2015.pdf	143.58 KB
 Bechir_USDOJ_Griffiths_Energy_Complaint_Jun30 2015.pdf	1006.81 KB

Attachment	Size
 Bechir_USDOJ_Griffiths Energy Stock_Niam Claim_Aug 14 2015.pdf	98.05 KB
 Bechir_USDOJ_Griffiths Energy Stock_Saleh Claim_Aug2015.pdf	55.63 KB
 Bechir_USDOJ_Griffiths Energy Stock_Rep of Chad Claim_Oct 2015.pdf	306.35 KB

Other Sources:

US Department of Justice Press Release, "Department of Justice Seeks Forfeiture of \$34 Million in Bribe Payments to the Republic of Chad's Former Ambassador to the U.S. and Canada," June 30, 2015, at <http://www.justice.gov/opa/pr/departement-justice-seeks-forfeiture-34-mil...> Source: US v. Approximately £22 million in British Pounds representing the value of 4,000,000 shares of common stock in Caracal Energy Inc., formerly Griffiths Energy International, Inc., Case No. 1:15-cv-01018 (D.D.C.), Verified Complaint filed June 30, 2015, and accessed at <http://www.justice.gov/opa/file/624266/download>; Verified Claim filed by Ms. Nlam on August 14; Verified Claim filed by Mrs. Saleh on August 17; Verified Claim filed by CESPC; Verified Claim filed by Government of Chad, October 16, 2015; Answer by Government of Chad filed October 26, 2015; Court Docket Report as of June 23, 2016.)