

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN RE: ENFORCEMENT OF RESTRAINING)	
ORDERS ISSUED BY THE HIGH COURT OF)	
ENGLAND AND WALES, QUEEN’S BENCH)	Misc. No. 12-289 (RCL)
DIVISION, UNITED KINGDOM, AND THE)	
CROWN COURT OF ENGLAND WALES,)	
UNITED KINGDOM.)	
)	

UNITED STATES’ RESPONSE TO THE COURT’S ORDER TO SHOW CAUSE

The United States of America, by and through its undersigned attorneys, files this Response to the Court’s Order to Show Cause dated July 8, 2013, and for the reasons set forth below, respectively requests that the Court not terminate this action.

The United States received a request for mutual legal assistance from the United Kingdom in November 2011 seeking the enforcement of two British restraining orders, which remain in effect and have been certified for enforcement in the interests of justice by the Assistant Attorney General of the United States Department of Justice’s Criminal Division in accordance with 28 U.S.C. § 2467(d)(3) and (d)(3)(B)(ii), as amended by the Preserving Foreign Criminal Assets for Forfeiture Act of 2010. These restraining orders were issued in connection with the investigation and prosecution of former Nigerian Governor James Onanefe Ibori (Governor Ibori) by the Crown Prosecution Service of the United Kingdom of Great Britain and Northern Ireland (“Crown”). Specifically, the two British restraining orders are:

- (1) a Restraint Order, issued by the High Court of England and Wales, Queen’s Bench Division (“High Court”), against the assets of Governor Ibori; and

(2) a Restraint Order, issued by the Crown Court of England and Wales (“Crown Court”), against the assets of Bhadresh Gohil (Gohil), Governor Ibori’s U.K. solicitor. On May 16, 2012, the United States filed an *ex parte* application seeking to enforce and register in the United States the British restraining orders, and later, a variation order amending one of the restraining orders, pursuant to 28 U.S.C. § 2467(d)(3). Collectively, the British restraining orders seek to preserve for forfeiture assets acquired by Governor Ibori and Gohil.

As set forth in the United States’ *ex parte* application to enforce the British restraining orders, James Onanefe Ibori, who served as the Governor of Nigeria’s oil-rich Delta State from 1999 to 2007, fraudulently misappropriated millions of dollars in Delta State funds to various businesses he controlled through his relatives and associates, including his solicitor Bhadresh Gohil. Governor Ibori abused the powers of his office to award lucrative and inflated state contracts to businesses owned or controlled by his family and associates. Further, he then used a web of shell companies and intermediaries in multiple jurisdictions to open dozens of bank accounts to launder and conceal the proceeds of his corruption in the United Kingdom and elsewhere.

On February 27, 2012, Governor Ibori pleaded guilty to money laundering in the United Kingdom and was sentenced by the High Court to thirteen years imprisonment. The Crown’s investigation has identified millions of dollars in assets acquired by Governor Ibori and Gohil with criminal proceeds scattered across the world, including in the United States. The Crown is seeking post-conviction confiscation, or forfeiture, of these assets. In order to preserve the availability of these assets for forfeiture under English law, the Crown sought and obtained restraining orders and a subsequent variation order from the English courts. On application of the United States, and pursuant to 18 U.S.C. § 2467(d), this Court on May 22, 2012, issued an

