



EFCCALERT!

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UK TRIAL:

Ibory's Accomplice Loses Appeal

**Naira
Palaver**

**Infamous
Journey**

**Unending
War**

**Cunning
Constable**



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THROWBACK PHOTO



A United Kingdom delegation, under aegis of Parliamentary Committee on International Development led on a visit to EFCC's permanent site by Ibrahim Magu, acting EFCC Chairman, **March 2, 2016**

CROWN COURT SOUTHWARK

Ibori's Accomplice Loses Appeal

Bhadresh Gohil, lawyer to James Ibori (both convicts of money laundering in the UK), loses at Court of Appeal, making outcome of Ibori's own conviction appeal, bleak

BY SEGUN ADEOYE

It may well be the beginning of the end for the legal battle of James Ibori, a former Delta State governor, convicted for money laundering in the United Kingdom, UK, who at the moment is fighting tooth and nail, not only to overturn his conviction, but to also stall confiscation of his assets in the UK.

The *Ogidigborigbo* of Africa had on February 27, 2012 pleaded guilty to 10 counts of fraud and money laundering to the tune of £89 million at a UK Southwark Crown Court. He was on April 17, 2012 sentenced to 13 years in prison, but was eventually released from the HM Prison Wandsworth in December 2016.

The humbled godfather received a rapturous welcome by his cronies and beneficiaries upon his return to Nigeria on February 4, 2017. Back in the UK, he had boasted of his return to politics, apparently hinged on an appeal against his conviction, which he filed through his UK solicitors, Central Law Practice. But

"After his conviction and jail sentence, Gohil brought in a new twist that has now lasted about eight years, albeit now at a dead-end."



Gohil

all seems not to be going his way, now, as the appeal, which is literally hinged on that of his lawyer, Bhadresh Gohil, may very well hit a brick wall.

Gohil, a then Solicitors Regulatory Authority approved solicitor to Ibori, was on November 22, 2010 convicted by a Southwark Crown Court jury overseen by HHJ Hardy, of four counts of money laundering and one count of prejudicing a money laundering investigation. He was a solicitor and a partner in the firm of Arlingtons Sharma. On December 6, 2010 he pleaded "guilty" to eight more counts for conspiring with Ibori "to defraud two states in Nigeria regarding sale of shares in V-Mobile" of funds running to \$37 million. He was on April 8, 2011 sentenced to 10 years in prison for the offences.

After his conviction and jail sentence, Gohil brought in a new twist that has now lasted about eight years, albeit now at a dead-end. On July 9, 2014 three years

after his sentence, Gohil's June 17, 2014 applications for leave to appeal his convictions were dismissed by Justice LJ Davis. Gohil had accused officers that investigated the fraud of corruption.

The judge, in dismissing his leave for appeal, had ruled that his allegations against the investigating officers, "was not advanced at the trial", noting that "the present strategy on behalf of the applicant – on the jury's verdict, and on his own subsequent pleas, a corrupt solicitor – is thus now to allege corruption on the part of the investigators". The ruling further added that "the allegation had already in substance been investigated and rejected".

However, not one to give in easily, Gohil again on April 25, 2016 applied to re-open his applications for leave to appeal the conviction. In spite of pleading "guilty", he embarked on what seemed a well-calculated campaign of calumny, alleging that officers of the Metropolitan Police Service, MPS, that investigated the Ibori fraud, were corrupt.

In the spirit of fair hearing, the Court on June 23, 2017 ruled that his application be heard along with the September 15, 2017 appeal of Ellias Preko, a former banker at



"It was a matter of 'common sense', to observe that Gohil did not use available material alleging corruption of the officers, during his trial."

Goldman Sachs. Preko was on December 9, 2013 convicted of two counts of money laundering for laundering \$5 million for Ibori stashed away in foreign accounts. He was sentenced to four years and six months in prison. Preko's appeal against his conviction was on February 3, 2015 dismissed by Justice LJ Rafferty.

The appeal (which also formed the basis of Ibori's own appeal), again

canvassed arguments in line with earlier grounds brought before the Crown Court in 2014 basing its arguments on allegations that the officers of the MPS received corrupt payments from Risc Management Limited, RML, and also passed confidential information to them. Indeed, the Ibori fraud was investigated by officers of the Proceeds of Corruption Unit, POCU, a part of the MPS that formed the SCD6 [Specialist and Economic Crime Directorate of New Scotland Yard]. Gohil had advanced the argument that the conduct of the operatives "amounted to a bad faith abuse of the process of the Court, such that the convictions offend against the integrity of the criminal justice system".



Ibori (centre) at one of the various grand receptions held for him upon his return to Nigeria

His counsel, QC Kamlish, further argued that "the prosecution of Gohil for attempting to pervert the course of justice was made on a knowingly false basis", and according to him, it was orchestrated "to protect the reputation of the MPS" in order to uphold the conviction. It was further argued that "the prosecution errors were 'egregious' and that one or more of those in the Prosecution camp acted in bad faith".

However, in a landmark judgement dated February 15, 2018 delivered by Lord Justice Gross, Justice William Davis and Justice Garnham,

of the Court of Appeal, Gohil's appeal was dismissed.

The appellate court ruled thus: "We entertain no doubt that the Gohil application to re-open the concluded proceedings must fail. It falls wholly short of meeting the criteria for the exercise of this exceptional jurisdiction. It satisfies none of the necessary conditions. There has been no real injustice; there is nothing wholly exceptional; it would not be appropriate to re-open the concluded proceedings; there is an effective alternative remedy".

The Court noted that Gohil's knowledge of a purported relationship between RML and one of the investigating officers, put in tandem with his "tactical decision" not to introduce the relevant material at his trials, "of itself dooms the present application to failure – regardless of any prosecution disclosure failures".

"The justices held that Gohil's application was 'singularly devoid of merit'."

It premised this on the basis that it was a matter of "common sense", to observe that Gohil did not use available material alleging corruption of the officers, during his trial.

It held that: "We do not minimise the gravity of any prosecution disclosure failures but, in substantive terms, the complaint is empty: Gohil had more than enough information available to deploy at trial, had he chosen to do so.

"For this reason alone, the necessary conditions were not satisfied. In particular, any prosecution disclosure failures did not occasion real injustice; put another way, Gohil had the means available to raise the allegation of MPS corruption and chose not to do so".

Moreover, the Court added that Gohil's "application must fail unless there is some proper basis for vacating" his guilty plea, which in the instance there was none. The justices thus held that Gohil's application was "singularly devoid of merit".

Gohil's appeal hinged on the allegation of disclosure failures on the part of the prosecution was also dismissed. The ruling noted that, even if such failures were established, they "have no arguable bearing on the safety of Gohil's convictions", and so, "it follows that the application does not satisfy the necessary conditions: there has been no real injustice; there are no exceptional circumstances and, even if there were, it would not be appropriate to re-open the concluded proceedings".

The justices observed that, "even if MPS corruption was established in respect of the period prior to Gohil's trials, it had, as already indicated, no bearing on the safety of Gohil's convictions".

In a nutshell, Gohil's application was dismissed, and so also that of Preko, which was premised on "the refusal of the trial judge to admit evidence of the acquittals on some counts at the first trial; cross-examination of Preko on a document, the provenance of which was said to be insufficiently established; inappropriate comments by the prosecution when closing the case; [and] inadequacies in the judge's summing up".

The Gohil appeal seemed a game plan that may have backfired, as the failed applications, if it had been successful, would have seen them join in Ibory, Lambertus De Boer, Christine Ibory-Ibie, Daniel McCann and Udoamaka Onuigbo, all of whom were convicted for their roles in the Ibory fraud.

Indeed, Ibory's appeal against his conviction was heard by the Court of Appeal this March, and the

"The Gohil appeal seemed a game plan that may have backfired."

dismissal of Gohil and Preko's appeals will no doubt, play a major role in its outcome. Apparently, Ibory engaged on a piggyback ride of Gohil's appeal.

Turns of events in the courtroom, expectedly did not look very good for Ibory as his team could not provide evidence of corruption. His counsel had a very hard time as he struggled to convince their justices.

At a point during the proceedings, the presiding justices were compelled to let Ibory's counsel, Ivan Krolick know in no uncertain

"Turns of events in the courtroom did not look very good for Ibory as his team could not provide evidence of corruption."

terms that an explanation he gave for suggesting that a police officer had fabricated documents was unbelievably in poor taste and just did not stack up. He had to embarrassingly withdraw the line of argument.

The court was told by counsel for the Crown Prosecution Service that Ibory "is and remains corrupt to the core", and it would be "an affront to justice if he were let off the hook on the basis that he corrupted a police officer".

There was, in fact, no evidence given by Ibory's counsel as to what information the police were supposed to have given over if they were bribed; basically it did not happen.

The judgement is reserved and will be published at a later date. ■

SAD CHAPTER

Two businessmen to spend next 10 years in jail for fraud

BY JAMILU SALE // MAIDUGURI

They looked befuddled as it dawned on them that the next 10 years of their lives would be spent in jail. For Prince Philip Power and Attah Adoga, a rather sad chapter was opened in the history books for them, on January 15, as their nefarious activities, literally caught up with them.

That Monday, Justice Fadawu Umar of the Borno State High Court in Maiduguri, delivered his ruling having found them guilty of two counts for offences of conspiracy and obtaining N150,000 by false pretence from their victim, January 8. The prison terms are to run concurrently.

Their path to jail began on July 14,



Power and Adoga

2017. A petition against one Musa Bello, alleged that the convicts conspired and collected money under the false pretence that it would be utilized to service his interest in a business for the supply of 51 samples of iron scrap. The complainant paid the money, but

the convicts requested additional N2 million before supply will be made.

Justice Umar further ruled that: "The convicts are to pay N150,000 to the nominal complainant; in default, they will serve two years prison term.

"The balance of N160,000 in the account of Musa Bello is forfeited to the Federal Government of Nigeria. All the balance in Access Bank account with the name of Musa Bello is also forfeited to the Federal Government. The account with the name of Musa Bello domiciled in the First City Monument Bank is ordered to be closed down". ■

TALL ORDER

An alleged fraudster is ordered to produce his accomplice as part of conditions to be fulfilled before he is granted bail

BY HABU WAYERI

Every day is for the thief, but one day for the owner, goes a popular saying.

This aptly describes the fate that has now befallen, Balarabe Abdullahi, who is currently cooling his heels in prison. But, even worse for Abdullahi, is the fact that Justice D.Z. Senchi of the Federal Capital Territory, FCT High Court, Jabi, before whom he is standing trial for four counts bordering on impersonation and obtaining by false pretence, now has an even more herculean task.

The judge on March 8, ordered him to produce his co-defendant, Usman Baba Yusuf, with whom he is being charged, as part of



Abdullahi

conditions to be fulfilled before he is granted bail. Yusuf has been on the run, since the trial began. He is alleged to have connived with Yusuf, who disguised as Usman Dakingari, to clone the phone number of Abdulmumini Bako, a

former Special Assistant to the former Comptroller General of the Nigeria Customs Service, NCS, Abdullahi Dikko Inde. They used same to dupe some staff of the NCS of about N2 million. Justice Senchi, in his ruling on Abdullahi's bail application, ordered him to "lead the prosecution to where Usman Baba Yusuf is".

He was also ordered to produce two sureties in like sum at N1 million each, which must be resident in Abuja, and not below level 12.

"The sureties must ensure that the defendant is available to stand his trial till the matter is concluded," the judge added, and adjourned to May 7. ■

NAIRA PALAVER

A tranche of N420,000 undeclared at an international airport in Nigeria, lands three in troubled waters

BY IDRIS ISIAKU // KANO

See what not declaring N420,000 cash at the Malam Aminu Kano International Airport caused Ma Yongbin, a Chinese national whose daughter Cao Xue, travelling back aboard Egypt Air – six months in prison.

Did Xue, who was travelling with the cash to be delivered to her father in China think she could have gotten away with it? Perhaps, yes. But officers of the Nigeria Customs Service, caught her in the act and handed her over with the cash to the EFCC.

Xue admitted that she was taking the cash to her father. Under interrogation, Yongbin he revealed



that he “bought” the money from Abdullahi Obaka and Rose Anyaele. They were subsequently arrested at Lagos Street, Kano where they engage in buying and selling of Naira notes without lawful authority.

They were all arraigned before Justice J.K. Daggard of the Federal High Court, Kano on one count of “dealing in currency without authority”. They chose not to waste the time of the court, and pleaded “guilty” to the charge. Subsequently, a plea bargain agreement was entered in with the prosecution.

Justice Daggard sentenced them to six months in prison with an option of N50,000 fine each. The court also ordered that N393,000 be forfeited to the Federal Government of Nigeria while the remaining N27,000 be returned to the first convict. ■

INFAMOUS JOURNEY

Bureau de change operator found guilty of diverting business partner's investment

The journey to prison for Mohammed Elleman did not exactly begin on March 8, when Justice Abdullahi Yusuf convicted him of advance fee fraud; it actually began with a petition to the EFCC by Salisu Tambaya.

Tambaya had alleged that Elleman, a bureau de change operator collected N12 million from him, “entrusted” into his care as investment into the business. The business partnership was struck in May 2014. But, three years into the deal, Elleman never gave him any returns.

Invariably, he was accused of “criminal breach of trust”, which is an offence punishable under

Section 312 of the Penal Code. He had pleaded “not guilty” when he was arraigned before Justice Yusuf.

“Although, the accused claimed to have invested the money, there was no evidence as to when the business commenced, no record whatsoever of the purported business transactions provided; it is in evidence that the accused could not give a satisfactory account of the said money,” the judge noted.

He was consequently found guilty and sentenced to three years in prison, and ordered to refund the money. ■



HARD LESSON

A former banker learns the hard way that lack of diligence in discharge of one's duty is criminal

BY HILDA FINGESI // LAGOS

It is a rather bitter pill to swallow for Paul Onwughalu, a former Head of Operations, Union Bank Plc; but the law has got to take its course.

Onwughalu was arraigned on February 24, 2014 on four counts, for failure to conduct due diligence in financial transactions, while he was at the bank's Head Office in Marina, Lagos.

He was accused of failing "to exercise due diligence in relation to the conduct of financial transactions with one DanKawu Bureau De Change by confirming



Onwughalu

and authorizing payment of the sum of N450 million fraudulently transferred by hacking into Union Bank database (flexcube)".

He had pleaded "not guilty" to the charges. But Justice S.S. Ogunsanya of the Lagos State High Court in Igboosere after going through all the documents presented in court by the EFCC's legal team, found him guilty of the criminal offence. And, subject to the fervent plea of his counsel, the judge sentenced him to three years in prison on each count. ■

UNENDING WAR

The EFCC in its continuous effort to rid the society of cyber criminals, charges yet another Internet fraudster to court

BY OLUMIDE EGBODOFO // LAGOS

Ogunbile Oluwaseun must by now be regretting his decision to engage in Internet fraud. Perhaps, he thought he could get away with it; but not when the Eagle Eye of the Economic and Financial Crimes Commission, EFCC, is watching..

Oluwaseun is currently standing trial before Justice O.A. Williams of the Lagos State High Court, Ikeja, on two counts bordering on unauthorized access to computer materials.

Specifically, he allegedly defrauded a company, Cenoux Express Limited, of N10 million, by sending fraudulent electronic messages to GTBank, which aided in facilitating the payment of the money from the company into his own account.

His trial is ongoing. ■



Ogunbile

LUCKY ESCAPE

Two job scammers escape the full wrath of the law after pleading guilty to the crime

BY THERESA NWOSU // UYO

Call it a slap on the wrist, and you will certainly be right; but one thing that is indisputable is that Idris Abdullahi and Andrew Olije, perhaps played smart by not wasting the time of the court.

Abdullahi and Olije were charged to court by the EFCC, for recruitment scam, after they defrauded their victims by posing as staff of Scientific Advisory Board, SAB in California, United States. Their atrocities date back to 2017, when among others, they defrauded Glory Nkan Akpan of N153,000 in the guise that they would help her get a job with the SAB.



In view of their guilty plea, the prosecuting counsel, N. K. Ukoha, prayed the court to convict and sentence them accordingly.

Standing trial before Justice Riman of the Federal High Court Uyo,

Akwa Ibom State, they wasted no time of the court, and pleaded “guilty” to the 10 counts of fraud against them, which involved about N2.9 million.

They were subsequently convicted of all counts and ordered to pay a fine of N155,000. Their conviction followed a plea bargain agreement after a full restitution to their victims in line with

the provisions of Section 270 of the Administration of Criminal Justice Act, ACJA 2015. ■

CUNNING CONSTABLE

A former police officer is entangled in his own antics

BY DELE OYEWALE // PORT HARCOURT

David Lohbut Nimdul, a former Constable of the Nigeria Police who disguised as a staff of the EFCC, must now be regretting his action. Perhaps, he thought he was just playing games, but not when as much as N250,000 is involved.

Nimdul was reported to the EFCC by a petitioner who alleged that he was introduced to him as a staff of the Commission. Based on the introduction, he requested Nimdul to assist in the recovery of a loan of N15.3 million he offered a banker, Patience Amaewhule, in Port Harcourt, Rivers State. The banker allegedly obtained the loan from him and promised to pay back in 120 days. However, she failed to keep faith with the promise and



Nimdul being led into court

Nimdul came on the scene to assist in the recovery of the loan.

Investigations showed that Nimdul ordered the banker to commence the repayment of the loan to the petitioner; he however, went a step further by directing her to pay an initial sum of N250,000 into his own bank account, promising that

the money would be paid into EFCC’s “loan recovery” account. The petitioner later found out that Nimdul was an impostor, and reported him to the Commission.

He is facing a one-count charge of fraud before Justice Adamu Turaki of the Federal High Court, Port Harcourt. ■



Nimdul

MISSION ACCOMPLISHED

When a delegation of the EFCC's Benin office paid a visit to the Delta State governor, Ifeanyi Okowa, March 8, 2018 it was for a simple mission – to seek the collaboration of the state government in the fight against corruption.

Speaking to the delegation, Okowa, stressed the importance of partnering with the anti-graft agency, as a necessity to moving the state forward.

“Partnering with the EFCC and other security agencies will go a long way in securing the economy of Nigeria,” he said.

He gave assurances of the government's intention to work with the EFCC and charged the Commission to collaborate with other law enforcement agencies to bring criminals to book.

Mailafia Yakubu, the Head of Operations, noted that the visit was



Mailafia received by Okowa



Mailafia with Umukoro



Mailafia with Mustafa

to also formally notify the governor of the presence of the agency in the state.

“We are here to ask for your support as this is key for the EFCC to effectively deal with economic and financial crimes especially oil theft and advance fee fraud,” he said.

The team also visited the Chief Judge of Delta State, Justice Marshall Umukoro, who commended the agency for the convictions recorded, noting that the judiciary remained key to the Commission's success.

The EFCC team also visited the State Commissioner for Police, Muhammed Mustafa who pledged the support of the Nigeria Police to the EFCC.

The Benin office overseas activities of the EFCC in Edo, Delta and Ondo states.

CONFIRM MAGU

Ajayi Alfred Agboola, deputy governor of Ondo State has called on the Senate to resolve whatever issues it had with the confirmation of Ibrahim Magu as the substantive chairman of the Economic and Financial Crimes Commission in order to strengthen the fight against corruption.

He made the assertion while receiving members of staff from the EFCC Benin office on behalf of the state governor, Rotimi Akeredolu, March 15, 2018.



Agboola (second from left) with officers of the EFCC

“The EFCC under President Buhari has achieved a lot,” he said. “Fighting insurgency is much easier than fighting corruption.” While commending the agency for its efforts, he lamented the level of

corruption in the country, and observed that “for the mercies of God, Nigeria would have been no more as some few individuals have cornered the resources of the country”.

He assured that the state government would work with the EFCC in the execution of its mandate.

The EFCC team also visited the state's Commissioner of Police, Olugbenga Adeganju, who called on Nigerians and his officers nationwide to join forces with the EFCC in the fight against corruption. ■

As part of its corruption prevention activities, the EFCC utilized a two-day EXCO Retreat for senior officers in Anambra State, to sensitize them on importance of service with integrity to avoid economic and financial crimes. The State Governor, Willie Obiano was in attendance. Ibrahim Magu, acting EFCC Chairman, who addressed them, on March 24, also engaged with Civil Society groups in Enugu, and paid a courtesy visit on Enugu Chief Judge, March 26, 2018



Obiano presents an award to Magu



Magu: "Betrayal of public trust worst crime a public officer can commit against the people."



Rapt attention by Anambra senior officers



Obiano: "Magu's message would make a lasting impression and positive impact."



Justice Ngozi Emehelu, Chief Judge of Enugu in handshake with Magu.



Magu with Emehelu and senior judges in Enugu



Magu to Civil Society groups: "Fighting corruption is a thankless job, but it has to be done."



Magu addresses EFCC Enugu staff

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