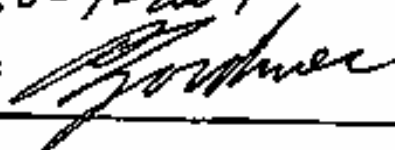


**WITNESS STATEMENT
IN SUPPORT OF AN APPLICATION FOR A RESTRAINT ORDER
(SECTION 41 PROCEEDS OF CRIME ACT 2002)**

This statement (consisting of: 32) pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything, which I know to be false, or do not believe to be true.

Dated: 30-7-2007
Signature: 

IN THE CROWN COURT AT SOUTHWARK

POCA No [] of 2007

IN THE MATTER OF James Onanwa IBORU

Alleged Offender

AND

IN THE MATTER OF THE PROCEEDS OF CRIME ACT 2002

WITNESS STATEMENT

I, Paul Gardiner, a financial investigator employed by the Metropolitan Police Service and accredited for this purpose by the Director of the Assets Recovery Agency stationed at Wellington House, Buckingham Gate, London, SW1E 6BE say as follows:-

1. I am a financial investigator accredited by the Director of the Asset Recovery Agency and am duly authorised to make this witness statement on behalf of the Applicant, the Crown Prosecution Service, which has conduct of the restraint proceedings in this matter. I make this witness statement in support of an application for a restraint order pursuant to section 41 of the Proceeds of Crime Act 2002.

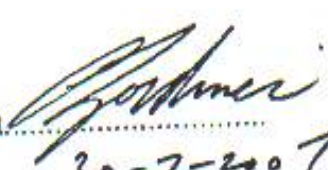
Signed: 
Date: 30-7-2007

JURISDICTION TO MAKE A RESTRAINT ORDER

2. The Court may exercise the restraint powers conferred by section 41 of the Proceeds of Crime Act 2002 if any of the statutory conditions set out in section 40 for making a Restraint Order have been satisfied. I believe that the conditions set out in section 40(2) have been satisfied in that:-
 - (a) An investigation for an offence has been started in England and Wales and not concluded, and
 - (b) there is reasonable cause to believe that the defendant has benefited from his criminal conduct.
3. I have the conduct of a financial investigation into the financial affairs of the alleged offender, JAMES ONANEFE IBORI.
4. Save as otherwise stated or where the context indicates otherwise, the statements of fact in this witness statement are from my own knowledge. If a statement is a matter of information or belief, I shall indicate the source of that information or belief. There is now shown to me marked PG/1 and exhibited to this witness statement a bundle of documents. Reference to page numbers 1-29 are to pages numbers within PG/1.
5. I am aware of my duty in making this witness statement to draw to the Court's attention any matters which might undermine this application, notwithstanding the fact that this application is on notice to the alleged offender. As this is an ongoing investigation, it follows that whilst certain facts have been established, other conclusions are based upon inference rather than upon direct evidence, and that those inferences may be confirmed or disproved by the continuing investigation.

Signed.....

Date.....


30-7-2007

2

SUMMARY OF APPLICATION

6. From 29 May 1999 to 29 May 2007 JAMES IBORI was the State Governor of Delta State, Nigeria, where he still resides. There is reasonable cause to believe that during this period, and in particular during the period 2005-2006, JAMES IBORI dishonestly and corruptly obtained vast sums of money by means of his office (thereby committing offences under Nigerian law), and transferred a large portion of these monies to the United Kingdom in order to launder his criminal property, thereby committing offences under sections 327 and 328 of the Proceeds of Crime Act 2002.
7. Although JAMES IBORI has been aware for some time that he has been under investigation by the UK authorities (some of his associates in the UK having been arrested in connection with the alleged offences), there are now particular reasons for applying for a restraint order against JAMES IBORI to prevent him dissipating his assets, in particular, but not only, because of his dealings with Bombardier Inc. of Canada, an aircraft manufacturer. I have good reason to believe that \$20 million cash is likely to be returned by Bombardier Inc. in the very near future to a company or companies under the control of JAMES IBORI, and I fear that unless restrained these funds will be transferred out of the jurisdiction to put them beyond reach of law enforcement.
8. For the reasons given below application is now made for a restraint order restraining JAMES IBORI from dealing with all his assets.

RELEVANT INDIVIDUALS AND COMPANIES

9. The following persons associated with JAMES IBORI have already been arrested, and are due to return for further interviews in September 2007, and are the subject of restraint orders granted by this Court in February 2007:

Signed.....
Date.....30-7-07

3

- a. Adebimpe POGOSON, JAMES IBORI's special assistant, who controls a number of companies and bank accounts on his behalf both in Nigeria and third countries;
- b. Christine IBORI-IBIE, JAMES IBORI's sister, who acted as a purchaser of services on behalf of the Delta State Government during his governorship, but who now resides in the UK, and is the legal owner of properties which I believe were funded by JAMES IBORI;
- c. Udoamaka OKORONKWO (aka ONUIGBO), an associate who handles JAMES IBORI's banking, and provides accounts for the use of the dishonestly obtained funds. She is believed to have had a child by JAMES IBORI.

10. In addition I have reason to believe that JAMES IBORI is the beneficial owner of the following companies or entities, alternatively that he has used these companies in order to launder his dishonestly obtained funds:

- a. Haleway Properties Ltd (Gibraltar);

JAMES IBORI and his wife are directors of this company which is the legal owner of 7 Westover Hill, Hampstead (value in excess of £4m), where JAMES IBORI resides when in the UK.

- b. Teleton Quays Ltd (British Virgin Islands);

This company is the legal owner of 42 Great Ground Street, Shaftsbury, Dorset in July 2005, a property used by JAMES IBORI, the payments being made by OKORONKWO. The original agreement to purchase a Challenger jet from Bombardier Inc. of Canada was made in the name of this company which was incorporated by Mr Gohil of Arlington Sharnes solicitors. Teleton Quays Ltd was the proposed purchaser of a further property at 20 King Alfreds meadow,

Signed.....

Date 30-7-07

4

Wincome Lane, Shaftesbury, but in a letter JAMES IBORI stated that the funds for the purchase were to come from his family's own wealth. It is believed to be an investment vehicle for JAMES IBORI.

c. Erin Aviation Ltd (Mauritius);

This company was also incorporated by Mr Gohil of Arlington Sharmas solicitors, see below, and received assignment from Teleton Quays Ltd of its interest and obligations in respect of the contract with Bombardier Inc., by way of deed made on 14 December 2006. Again it is believed to be an investment vehicle for JAMES IBORI

d. Stanhope Investments Ltd (Niue, Polynesia)/ The Julex Foundation (Panama);


James IBORI is the beneficial owner of these entities. He opened a bank account in Switzerland for Stanhope. Stanhope provided the funds for an armour-plated Maybach 62 motor vehicle, purchased for JAMES IBORI for €406,600 in April 2005 (the vehicle subsequently being airfreighted to South Africa), and is part of a joint investment venture with Parabola International Corp (the investment being effected through Teleton Quays Ltd, Erin Aviation Ltd, and Wings Aviation Ltd) for the purchase of a Challenger jet.

e. M.E.R. Engineering Ltd

JAMES IBORI ceased being a director and shareholder of this company in 1999, but funds from this company continued to be transferred to accounts owned or controlled by JAMES IBORI. Most of the funds received by M.E.R. Engineering, (totalling £2.3m over 3 years) have come from Chevron Oil Company and the

Signed.....

Date.....


30-7-07

5

Nigerian Petroleum Company. M.E.R. Engineering has a Barclays account in London.

f. Parabola International Corp (Mauritius)

\$4.7 million were transferred from this account (having originated from Stanhope) to the solicitors Arlingtons Sharmas in London, and thereafter to Bombardier Inc, for the purchase of a Challenger 604 jet worth \$20m. It does not appear at present that JAMES IBORI is the beneficial owner of this company, but there is evidence that monies owned by JAMES IBORI have been passed via this company.

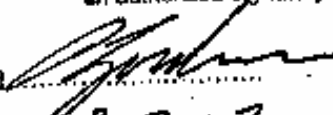
g. Wings Aviation Ltd (Nigeria)

Again, funds were transferred from this account to the solicitors Arlingtons Sharmas in London, and thereafter to Bombardier Inc, for the purchase of a Challenger 604 jet worth \$20m.

11. Furthermore, I have reason to believe that the following persons are relevant to the assets of JAMES IBORI:

a. Bhadrash Gohil, a partner at Arlingtons Sharmas solicitors, 8 Arlington Street, London, SW1

Mr Gohil's firm has been central to the proposed purchase of the Challenger 300 jet. The monies for the jet were transferred from Arlingtons Sharmas to Bombardier Inc. Mr Gohil incorporated Teleton Quays Ltd (on whose behalf he is an authorised signatory with relation to the purchase of the Challenger jet) and

Signed 
Date 30.7.07

6

Erin Aviation Ltd, and appears to have coordinated the purchase of the jet with Mr Meggison of Aviation Wings. In addition, the firm is known to have acted for Teleton Quays Ltd in respect of the proposed purchase of land in Winbombe Lane (the monies being supplied by JAMES IBORI, via Mrs OKUROMKWO, confirmed in a letter to the firm from JAMES IBORI dated 25 July 2005) and holds various documents for JAMES IBORI (insurance, council tax, utilities) at his various addresses.

- b. Nogie Meggison, the director of Wings Aviation of Nigeria.

Mr Meggison coordinated the purchase of the Challenger jet with Mr Gohil. He is described in a due diligence letter written by Mr Gohil as well-known and respected in the aviation industry, and as the beneficial owner of Wings Aviation Ltd. Mr Gohil writes in the same letter that \$3,000,000 received into Mr Meggison's client account with respect to the Challenger jet was his personal wealth, emanating from his companies. It was denied by Mr Gohil that Mr Meggison was either a Politically Exposed Person (a term used to describe a person in a position of power or influence where corruption is common, who wishes to open an account outside their country of residence), or related to any PEP (for example, a close business associate or advisor to a senior functionary). In fact there is evidence that Mr Meggison's company, Wings Aviation, is itself beneficially owned by Stanhope and Parabola (through a parent company) and receives investment funds from Stanhope, and therefore from JAMES IBORI.

SUMMARY OF INVESTIGATION RE MISAPPROPRIATION OF FUNDS IN NIGERIA

12. In connection with the investigation, I have been informed by DC John McDonald the officer in charge of the criminal investigation, and believe that:


Signed 

Date 30-7-07

- (a) A money laundering investigation commenced in 2005 into the affairs of JAMES IBORI who was the serving State Governor of Delta State, Nigeria. It is alleged that he has used the United Kingdom to launder funds obtained illegally in Nigeria;
- (b) This investigation has involved extensive enquiries both in Nigeria (with the assistance of the Economic and Financial Crimes Commission, the EFFCC) and other overseas countries, and the inspection and obtaining in the UK and abroad of massive quantities of documentary material;
- (c) There are reasonable grounds to believe that JAMES IBORI has been actively diverting funds that have been allocated to Delta State Nigeria for education and engineering projects. The State of Delta is one of the oil rich States in Nigeria and as such receives one of the largest allocations of funds from the Nigerian Government for running the economic well being of the state. The funds allegedly stolen by JAMES IBORI have been laundered through the UK banking system by JAMES IBORI and by his sister IBORI-IBIE, his personal assistant POGOSON and his associate OKORONKWO.
- (d) JAMES IBORI, being a State Governor, was immune from prosecution in Nigeria for the term of his governorship. JAMES IBORI has completed serving two terms as governor, as of 29th May 2007, and therefore, the immunity provision has lapsed. JAMES IBORI now enjoys no immunity either in Nigeria nor the UK for acts done whilst he was Governor.
- (e) This investigation has highlighted the fact that it is illegal for a serving State Governor in Nigeria to hold a foreign bank account. It is a legal requirement for a serving State Governor taking office to declare any assets held to the code of conduct commission in Nigeria. The declaration submitted and signed by JAMES

Signed.....

Date.....


30-7-07

8

IBORI states that he has no cash or bank accounts outside Nigeria. My investigations have demonstrated that this declaration is untrue.


Enquiries with the Mayfair Mercedes Benz dealership situated at 105 Wigmore Street, London, W1U 1QY have revealed that in May 2005, a Mercedes Benz vehicle, VRM XC05 AAM was purchased for approximately 406,600 Euros (£275,873) for direct export. The vehicle was purchased for JAMES IBORI, Flat 23, 20 Abbey Road, London, NW8 9BJ. Payment for the vehicle was made by Stanhope Investments Ltd with payment instructions via PKB PRIVATEBANK AG, 12 Charles Galland, Geneva, Switzerland. This vehicle was armour plated and was subsequently transported to South Africa. IBORI completed the original documents for the vehicle purchase.

(g) On the instructions of JAMES IBORI, his sister, IBORI-IBIE, transferred funds out of Nigeria. Cash and drafts were paid into accounts in Asaba Delta State Nigeria, in amounts including £150,000, £80,000 and £70,000, during 2005. Funds were then internally transferred into a Lagos based currency exchange company (Mankat) and then on into the UK via a company called Countrywide Paymasters. I believe the funds were used to purchase property in the UK.

(h) In addition, on the instructions of JAMES IBORI, OKORONKWO transferred funds out of Nigeria. Cash and drafts were paid into accounts in Asaba Delta State Nigeria, during 2005. The following amounts £199,985, £149,985 and £199,985, were internally transferred into a Lagos based currency exchange company (Mankat), and from there into the UK via Countrywide Paymasters. Funds were then transferred to JAMES IBORI, IBORI-IBIE and a further individual, Terry WAYA, who is currently awaiting trial for money laundering.

Signed.....

Date.....


30-7-07

- (i) On the instructions of JAMES IBORI, POGOSON transferred funds out of Nigeria. Cash and drafts were paid into accounts in Asaba Delta State and Lagos Nigeria. The funds were then transferred electronically into a UK sterling account held in the name of MER Engineering. IBORI was director of this company until he became the Governor of Delta State. In 1999 POGOSON was the sole signatory to the account. Funds were then transferred electronically to Private Bank AG Geneva. The account at the bank is in the name of Stanhope Investments Ltd. Approximately £2,000,000 was transferred from Nigeria into the account of MER Engineering during 2004/5 and most transferred out to accounts controlled by IBORI in Switzerland.
- (j) It is believed that JAMES IBORI has diverted Delta State funds to various private companies and the relevant companies have a common nexus in as much as their directors are personal friends of his. As an example, a company registered in Nigeria styled Wokson International Limited is believed to have benefited from contracts with the State Government and have transferred funds to overseas jurisdictions on behalf of JAMES IBORI. Enquiries concerning this issue are currently being carried out by the Economic Financial Crimes Commission in Nigeria.
- (k) It is also believed that a company Sagicon Nigeria Limited has also benefited greatly from the Delta State Ministry of Youth and Sports. OKORONKWO is the director of Sagicon Nigeria Limited. Both Sagicon and another company, Onovin Nigeria Limited, have received funds from the Sports Ministry.
- (l) It is known that IBORI-IBIE provided correspondence to Martin Morrison and Company, Chartered Certified Accountants, 17 Deptford Church Street, London, SE8 4RX. The letter dated 2nd March 2006 appears to appoint IBORI-IBIE as a procurement agent for Onovin Nigeria Limited.

Signed.....

Date.....30-7-07

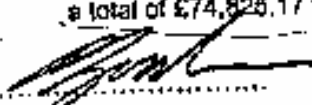
(m) The EFCC in Nigeria have interviewed a Mr Uduaghan of Onovin Limited. He explained that IBORI-IBIE acted as purchaser on behalf of the Delta State Government. He stated that on 6 February 2005 he paid in a draft drawn on the account of Onovin Limited in the sum of 38,910,000.00 Naira. This was paid into the Asaba branch of the UBA Bank. Mr Uduaghan also stated that on the 8th of February 2005 38,880,000.00 Naira was paid directly into the account of Menkat Limited held with Countrywide Paymasters Limited. The money was deposited at the Asaba branch of the UBA bank.

(n) Mr Uduaghan has stated to the Economic Financial Crimes Commission that both of the payments represented monies being paid to IBORI-IBIE in relation to the procurement of a running track for sports stadia in Delta State. He mentioned that the contract to supply the track was with BSW Berleb, a company registered in Germany. In due course a Mr Godwin Ekumelu was asked to facilitate the transfer of monies to a Barclays account for IBORI-IBIE. Mr Ekumelu explained that it was IBORI-IBIE who instructed him to do so. He was provided with the following bank details, Barclays Bank a/c number 10287717 at sort code 20-90-55 (IBORI-IBIE's account). He then instructed Countrywide Paymasters to transfer a total of £300,000 out of the Menkat accounts as described above to the Barclays accounts of IBORI-IBIE in London. On 9 February 2005 £150,000.00 was transferred as described. Two further sums of £80,000.00 and £70,000.00 were transferred on 21 February 2005 to the same account.

(o) From an inspection of the defendant's Barclays account numbered 20706485 it is apparent that four transfers totalling £280,000 were received from IBORI-IBIE's Barclays Account number 10287717. One credit in the sum of £180,000.00 was received into the account 20706485 on 15th of February 2005. A further three credits in the sums of £50,000.00 each were transferred into the account on the same day that being the 28th of February 2005. It appears that on 10 March 2005 a total of £74,828.17 was transferred to BSW Berleb, while on 15 July 2005 a total

Signed.....

Date.....


3-7-07

(£156,182.28 discrepancy)¹¹

July 2005 a total of £48,992.55 was transferred to the same company. If the £300,000.00 represents the transaction as described by Mr Uduaghan then there is a discrepancy of £176,182.28 between the monies transferred to BSW Borlew and the monies sent to IBOR/IBIE's accounts.

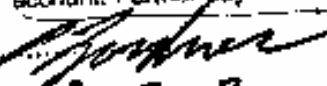
(p) Mr Elumelu has been interviewed by officers from New Scotland Yard and has provided a written statement. He has described a number of other transactions he has facilitated on behalf of OKORONKWO. Between 26th of May 2005 and 8th of June 2005 he facilitated the deposit of 105,500,000 Naira into the account of Menkat Limited held with Countrywide Pymasters Limited. Mr Elumelu received further instructions from IBOR/IBIE to transfer three sums of £200,000, £150,000 and £200,000 to OKORONKWO's HSBC account in London. The transfers were made on 1st June 2005, 14th June 2005 and 20th June 2005 respectively.

(q) From an inspection of OKORONKWO's HSBC account 21228420 it can be shown that 20th of July 2005 she issued a personal cheque in the sum of £311,000.00 to Aringtons Sharmas Solicitors. I have established that this payment was used to purchase a property situated at 42 Great Ground, Shaftesbury, Dorset, SP7 8FF. This property is registered in the name of Teleton Quays Limited. The property is a brand new property. I can confirm through an inspection of the conveyance file that this property is actually used by JAMES IBORI and his wife. They instructed Bhadrash Gohil of Aringtons Sharmas Solicitors to incorporate the company styled Teleton Quays Limited in the British Virgin Islands. They also instructed OKORONKWO to pay the cheque in settlement. A fee note for the sale is addressed to Mr and Mrs IBORI.

(r) A number of large payments were made from the same Barclays account to an HSBC account named Independent Newspapers, this account is used as a current account paying every day bills. OKORONKWO is the sole signatory to this account. Further payments were also made to the Barclays Account numbered

Signed.....

Date.....


30-7-07

12

numbered 7059159, sort code 20-47-42 in the name of JAMES IBORI.

(s) Other corporate entities are believed to have received Delta State funds as a result of JAMES IBORI dishonest influence, for example Abedol Supply & Construction Company Ltd (whose director is the director of Wokson International, supra, and a personal friend of JAMES IBORI), Trans Project, JID Construction, PO AB Partnership, Vollex Ltd, Strabang Construction Nigeria Ltd, Solgas Petroleum, Stabilini Visioni Ltd, Liddell Nigeria Ltd, Charter House Projects and Investment Ltd, Harefa Press, Koh Nigeria Ltd, and Akoc Nigeria Ltd.

LINKED DEFENDANTS

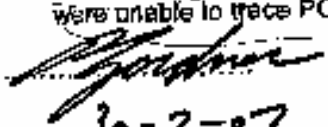
13. I have also been informed by John McDonald about the position of the following linked defendants:

14. POGOSON

(a) POGOSON is currently resident in the UK. POGOSON was JAMES IBORI's former special assistant, who was able to draw funds from the Delta State Government. In addition, she managed six (6) private companies in Nigeria and was the authorised signatory to these companies' bank accounts. POGOSON is also signatory to JAMES IBORI's foreign company accounts:

(b) I can confirm that POGOSON is currently wanted as of today's date by the Economic and Financial Crimes Commission (EFCC) in Nigeria for questioning about business activities she managed on behalf of JAMES IBORI. The EFCC were unable to trace POGOSON in Nigeria. Police enquiries in the UK established

Signed.....



Date.....

30-2-07

13

established that POGOSON had been residing at 58 Uphill Drive, London, NW9 0BX and was paying the council tax until 30/06/2005 when she moved to her current address at Flat 39 Barons Court. Land Registry checks show IBORI-IBIE, the sister of JAMES IBORI, as the owner of this property.

(c) On the 12th of April 2006, POGOSON was arrested at Flat 39, Barons Court, Church Lane, the Hyde, London, NW9 8AD in connection with an offence of money laundering. She was conveyed to Belgravia Police Station where she was interviewed in respect of money laundering allegations, exercising her right to not answer any questions. POGOSON was further bailed to return to Belgravia Police Station on the 15th February 2007.

(d) On the 15th of February 2007 POGOSON was once again interviewed. On this occasion she did answer a number of questions. She did not, however, make any admission in respect of the alleged criminality. She did state that she was initially employed by JAMES IBORI prior to him becoming the Governor of Delta State. Once he took up the State position she stated that she was asked to join his staff. POGOSON stated that although she was employed and received remuneration from the State she in fact continued to be gainfully employed in JAMES IBORI's business matters.

Rev
[Signature]
(e) Upon POGOSON's arrest, a lap top computer was seized from her home address. This has now been examined. There are a number of e mails present on the computer that appear to be between various individuals such as Tinu Falaye, Davidson Reghe and JAMES IBORI. These e mails appear to indicate attempts by various individuals to suppress potential incriminating evidence. Those messages also indicate that a number of parties involved in the various companies that POGOSON was running on behalf of JAMES IBORI knew that both the UK and Nigerian authorities were conducting criminal investigation into their activity. POGOSON declined to answer any questions during the interview when they related to the downloaded e mail messages.

Signed.....

Date.....

[Signature]
30-7-07

14

(f) POGOSON operates a Barclays Bank dollar account in the name of M.E.R. Engineering. She is a director of the company and the sole signatory for the account. Examination of this account shows that there have been a large number of deposits in the last 3 years totalling £2,298,410. Most of these payments originated from the following two companies, Chevron Oil Company in Nigeria, and Nigerian National Petroleum Company.

(g) MER Engineering owns two house boats, which can sleep 70 persons. These house boats are allegedly rented out to the oil industry in general, and to these 2 companies in particular.

(h) Some of the deposits into the Barclays bank account have been transferred onwards, directly into the account of JAMES IBORI. A large amount of the funds transferred out of the account have also been transferred electronically to bank accounts held in Switzerland.

(i) POGOSON holds or controls numerous accounts at various banks in Nigeria. In most cases the defendant is the sole signatory to the accounts. It is believed that these accounts are being used to launder stolen money on behalf of JAMES IBORI into the UK banking system.

(j) The following transfers were made from the MER Engineering account held at Barclays bank PLC to PKB Privatbank AG- Geneva account 30257 Barkin Ltd. The transfers were requested by POGOSON. The transfers total \$1,440,000.00 US Dollars.

i. 4th May 2004- a transfer in the sum of \$250,000 USD Dollars.

ii. 6th of May 2004 - a transfer in the sum of \$270,000 US Dollars.

Signed.....

Date.....

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30-7-07

15

- iii. 29th November 2004 - a transfer in the sum of \$190,000 US Dollars
- iv. 29th November 2004 - a transfer in the sum of \$210,000 US Dollars
- v. 25th June 2004 - a transfer in the sum of \$230,000 US Dollars.
- vi. 6th August 2004 - a transfer in the sum of \$230,000 US Dollars
- vii. 18th February 2005 - transfer in the sum of \$310,000 US Dollars

15. IBORI-IBIE

(a) Another suspect in the criminal investigation is IBORI-IBIE, the sister of JAMES IBORI, who currently resides at 76 Woodhill Crescent, Kenton, Harrow Middlesex. Liaison with Barclays Bank has revealed that IBORI-IBIE controls approximately eight known bank accounts in London, several of which are held in the name of IBORI-IBIE, with some accounts jointly held with Mr Cromwell Osamano IBIE, her husband. One account had a balance in excess of £100,000. IBORI-IBIE's date of birth is shown on Barclays bank records as 04/08/1958, which is the same date of birth as JAMES IBORI, her brother. IBORI-IBIE is being investigated in Nigeria by the EFCC for corruption and money laundering offences.

(b) On the 12th of April 2006 IBORI-IBIE was arrested at 76 Woodhill Crescent, Kenton, Harrow, Middlesex HA3 0LZ in connection with an offence of money laundering. She was conveyed to Belgravia Police Station where she was interviewed in respect of money laundering allegations. She denied any criminal involvement and was further bailed to return to Belgravia Police Station on the 15th

Signed..



16

Date.....

30-7-07

15th February 2007. Upon her return on that day she elected to make no reply.

(c) IBORI-IBIE is thought to have laundered money derived by IBORI through criminal offending through the following accounts:

- i. Barclays Bank Plc. Account number 1028-7717 sort code 20-96-55 held at the Willesden Branch in the name of IBORI-IBIE. This account has been running since 23 January 2002. Large payments have been made to this account by JAMES IBORI and KOLN Nigeria Ltd, a company controlled by JAMES IBORI (e.g. £20,000 transferred on the 05/03/02 and £10,000 on the 25/10/04, both payments from KOLN Nigeria Ltd). Payments have also been made to the account by OKORONKWO (for example, £150,000 on 6 May 2004).
- ii. Barclays Bank Plc. Account number 9050-0518 sort code 20-96-55 held at the Willesden branch in the name of Mr Cromwell IBIE and the defendant. This account has been running since 21/01/04. Large payments have been made into this account by OKORONKWO (an example being £10,000 on the 05/04/05, £10,000 on the 26/05/05, on the 8th Aug 2005 £5000, between the 25 - 27th May 2005 a further £15000).
- iii. Barclays Bank Plc. Tracker account number 2070-6485 held at the Harrow Branch in the name of IBORI-IBIE. This account has been running since 9th February 2005 and has a current balance of £33,800. The account is supplied by the above mentioned accounts £320,000 passed through this account during 2005.
- iv. Barclays Bank Plc. Open plan Savings account number 4002-0427 held at the Willesden Branch in the name of IBORI-IBIE. This account has been running since 21 January 2004 and has a current balance of £246.75 the account is supplied by the above accounts. Some £30,000 passed through the account during 2005.

Signed.....

Date.....


30-7-07

17

- v. Barclays Bank Plc. Generic Bond account number 90437182 sort 20-96-55 held at the Willesden Branch in the name of IBORI-IBIE. This account has been running since January 2006 and has a balance of £100,000. This sum was paid into the account on the 17/03/2006 from Tracker Savings account 2070-6485.
- vi. BK Austria A. G Bank account, held at Postfach 271, A-1011 Vienna, Austria in the name of IBORI-IBIE identified from correspondence found at her house at the time of her arrest.
- vii. Abbey National Instant Saver Account number X105847511BC in the name of JAMES IBORI trustee for Miss Osaseri IBIE born 1991. The current balance of the account is £15,449.28. The money in this account is high for a child of this age and it believed this account has been used to conceal and launder funds.

16. OKORONKWO

(a) OKORONKWO has been identified through the extensive financial investigation into the activities of JAMES IBORI. OKORONKWO has made large cash deposits into the accounts of both JAMES IBORI and his sister IBORI-IBIE. The transactions identified so far from an HSBC account number 21228420 in the name of OKORONKWO since 2 May 2003 amount to a total of £2,211,845. The cash is paid directly into a Barclays Bank PLC account number 00115916 in the name of JAMES IBORI. This suspect is the registered owner of 71 Mayflower Lodge, Regents Park Road, London, N3 3HX.

(b) On the 12th of April 2006 OKORONKWO was arrested at 71 Mayflower Lodge, Regents Park Road, London, N3 3HX in connection with an offence of money laundering. She was conveyed to Belgravia Police Station where she was interviewed in respect of money laundering allegations, and exercised her right to

Signed.....

18

Date.....30-7-07

to not answer any questions. OKORONKWO was further bailed to return to Belgravia Police Station on the 15th February 2007. When OKORONKWO returned, she declined to answer questions.

(c) OKORONKWO holds an HSBC current account number 21228420, at the Buckingham Palace Road, Belgravia branch. The credit turnover for this account has been high. £2,211,845.94 has been paid into the account since 2 May 2003. The account has received no payments from the company operated by OKORONKWO, Sagicon, or any other salary for the defendant relating to any other employment. The account is funded by payments from a number of Solicitors, probably in respect of the sale of property and from a company called Countrywide Paymasters in Nigeria, a money transmission agent. This account pays the mortgage to the Abbey National Building Society in respect of 71 Mayflower Court. It also makes large payments to accounts in the names of JAMES IBORI and IBORI-IBIE.

(d) OKORONKWO also holds HSBC Savings account number 81310801 at the Buckingham Palace Road, Belgravia. The balance of the account currently stands at £2000. This account was used to pay £ 388,077.62 to Peter Brown Solicitors in the purchase of 36 Hunter Lodge, Carlton Gate, Maida Vale, London W9 3TQ in the name of Boyd Properties Limited by OKORONKWO on the 25th March 2004. A letter addressed to BC Centrum dated the 23 March 2004 confirmed that OKORONKWO had authority to act for Boyd Properties Ltd and to sign documents relating to the sale and purchase of assets of the company. BC Centrum are the managing agents to Boyd Properties. JAMES IBORI and his wife Theresa are the beneficial owners of Boyd Properties.

(e) OKORONKWO holds Abbey National PLC account number X12607830 Instant Saver Account. The turnover on this account has been high, some £350,000 in the 4 year period up to 2005, fed by payments in cash. The current balance is £1800.

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Date..... 30-2-07

(f) OKORONKWO has control of HSBC account number 51611623 sort code 40-04-15 in the name of Independent News Publications (UK) Ltd. This account is fed by the HSBC account 21228420 described above. The activity on this account is nothing like that of a business account of a genuine company. £80,000 was transferred to this account between January 2005 and June 2006, in discrete amounts of £5,000 and £10,000. The account appears to be operated as a current account for OKORONKWO. There is no trace of Independent News Publications (UK) Ltd on any commercial data bases or at UK Companies House. The defendant is the sole signatory to this account.

17. POGOSON, IBORI-IBIE and OKORONKWO have been further bailed to 19th September 2007.

18. IBORI-IBIE, POGOSON and OKORONKWO are all subject to restraint proceedings and the defendant is a named third party on all three restraint orders. The Crown reserves the right to add further assets, currently restrained by these restraint orders already in existence, to the restraint order sought now sought against JAMES IBORI, as JAMES IBORI may hold either a beneficial interest in some or all of these assets, or they may constitute gifts by JAMES IBORI

19. In respect of each of the above, there is good reason to believe that the only source of the funds handled by each of them are the funds dishonestly obtained by JAMES IBORI.

⌘ SWISS ENQUIRIES

Signed.....

Date.....30-7-07

20. As a result of the financial investigation into FOGOSON and the company MER Engineering, of which FOGOSON was a director and JAMES IBORI is a former director, it was established that a large number of payments were sent from an account held for MER Engineering at Barclays International in London to a PKB Bank account in Switzerland in the name of Stanhope Investments (hereinafter called 'the Stanhope Account'). JAMES IBORI is the beneficial owner of the Stanhope account. A formal letter of request was sent to the Swiss authorities in an effort to properly identify the beneficial owner of that account.

21. The documentation received from Switzerland contained details of an account held at Schroders Bank, Zurich held in the name of 'Kalngó'. It would appear that the this name is purely used for reference purposes. The holder of the account is Edward Shemutete for a company called 'Parabola International Corp', which is registered in Mauritius (hereinafter referred to as 'the Parabola Account'). Mr Shemutete was introduced to the bank Schroders, Zurich by Bhadrash Gohil of Arlingtons Shermas Solicitors.

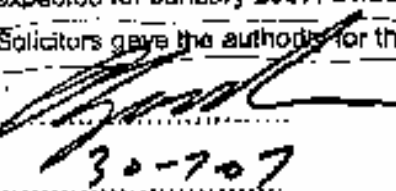
22. In July 2005, four payments totalling USD \$4,788,176.92 were sent from the Stanhope Account to the Parabola Account.

23. On 29 September 2005 the same sum was transferred from the Parabola Account to Barclays Bank 20-82-94 a/c number 60149063. This account is a solicitor client account for Arlingtons Shermas Solicitors. The transfer in the sum of \$4,788,176.92 was received into the solicitors client account and then transferred for the benefit of Bombardier Inc. (Canada), in respect of the Challenger jet.

24. Enquiries with Switzerland revealed correspondence, which indicates that Stanhope Investments and Parabola International Corp were part of a joint venture to purchase a Challenger jet. The correspondence indicates that delivery of aircraft was provisionally expected for January 2007. Evidence reveals that Mr Gohil of Arlingtons Shermas Solicitors gave the authority for the purchase of the jet.

Signed.....

Date.....



30-7-07

21

PROPERTIES

PERSONAL CIRCUMSTANCES AND REALISABLE PROPERTY OF JAMES IBORI

25. I have made enquires into the financial affairs of JAMES IBORI and it is to my knowledge that:-

- (a) JAMES IBORI is a 48-year-old male born in Nigeria on the 4 August 1958. He is a married man and is currently residing in Nigeria;
- (b) JAMES IBORI whilst a serving state Governor in Nigeria would have earned a modest £12,000.00 per annum.
- (c) The Defendant resides full time in Nigeria but owns or has an interest in the following properties in the UK:

✓

(i) The property known as 7 Westover Hill, London, HA3 0LZ title MX207021. There are no current charges on the property. The price paid for the property in 2001 was £2,300,000; the current value is estimated at approximately £4,000,000. The property is registered in the name of Haleway Properties Limited. I have established that this company was registered in Gibraltar by a company formation agent called BC Centrum, 788 Finchley Road, London. I have established that JAMES IBORI and his wife Theresa IBORI are the beneficial owners of Haleway Properties. A production order was served upon BC Centrum who have provided a number of original files to the Metropolitan Police.

(ii) The property known as flat 23, 20 Abbey Road, London, NW8 0BJ Title number NGL699019 registered in the name of JAMES IBORI. The property was purchased

Signed.....



22

Date.....

30-7-07

1999 with an initial deposit of £157,000, the balance of the mortgage was redeemed with a payment of £90,000 on the 12 April 2000 and a final payment of £70,081.88 On the 25 July 2000. The current estimated value of the property is approximately **£750,000**.

(iii) The property known as 42 Great Ground, Shaftsbury, Dorset SP7 8FF. The property is registered at the Land Registry under title number DT 326978. On the 29 July 2005 the proprietor was shown as Teleton Quays Ltd, as above. The property was purchased for £298,995 and is currently valued at £350,000. The solicitor who conducted the conveyance was Mr Gohill of Arlingtons Sharmas Solicitors. The payment for the property was made by OKORONKWO via cheque in the sum of £311,000 dated 20/07/2005. I have obtained the conveyance file for the purchase of this property and I can confirm that it is quite clear that JAMES and his wife Theresa Ibori have purchased the property through the medium of Teleton Quays Limited. I have a full copy of the conveyance file for this transaction which includes correspondence from JAMES IBORI making specific instructions to Mr Gohill to complete the purchase.

(d) The defendant is the sole registered keeper of the following vehicles (the first three being held in the UK, the Maybach being in South Africa):

- (i) Bentley continental GT registration LK54 NFT;
- (ii) Chrysler registration number LN51 FRT
- (iii) Jaguar registration number W933 VLP;
- (iv) Maybach McClaren registration XC05 AAM.

CB

(e) The defendant holds or has an interest in the following bank accounts:

- (i) Barclays Bank Plc. Account number 0011-5916 sort 20-47-42,

Signed.....

Date.....30.7.07

(ii) Abbey National Instant Saver Account number X105847511BC in the name of James IBORI (trustee for Miss Osaseh IBIE born 1991 current balance of the account £15449.28. The money in this account is high for a child of this age and it believed this account has been used to conceal and launder funds.

(f) As referred to above, there is good reason to believe that JAMES IBORI is attempting to invest through Teleton Quays/ Erin Aviation Ltd in the purchase of a Challenger 300 aircraft currently located at Bombardier Incorporated, Montreal. This aircraft was built to order on the instructions of Mr Nogie MEGGISON of Wings Aviation. As a result of the service of a number of Crown Court Production Orders I have established that the cost price of the aircraft is \$20 million. The initial deposit for the aircraft in the sum of \$4,788,176.92 was paid from nominee accounts owned and controlled by the defendant. In June 2005 \$4.7 million was received from Stanhope into the Keingo account number 22085 (Parabola) held at Schroders, Zurich, and transferred to Arlington Shermas Solicitors for onward transfer to Bombardier Inc (see below). It is strongly suspected that the funds transferred to accounts controlled by Bombardier Incorporated represent the proceeds of criminal activity in Nigeria. These funds it is suspected have been laundered through London to enable the purchase to be completed.

(g) As a result of production orders obtained, I can say that funds were recorded as entering into Arlingtons Shermas client account 'Wings Aviation Ltd Re: Challenger 300' between June 05 and November, of which \$8,005,245 was recorded as being transferred to Bombardier Inc.:

June 2005 \$599,863.98 from Wings Aviation Ltd
Sept 2005 \$4,788,176.92 from Parabola
May 2006 \$999,805.96 and \$998,635.72 from Erin Aviation Ltd
June 2006 \$249,008.89 from Pamaron Oil and Gas Ltd

(Pamaron is stated by Mr Meggison to belong to him)

Signed.....

Date..... 30-7-07

June 2006 \$999,896.68 from Wings Aviation Ltd

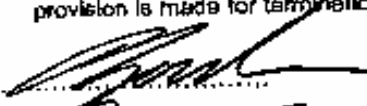
July 2006 \$951,178.07 from Erin Aviation

TOTAL: \$9,586,685.22

- (h) By letter dated 25 August 2005 to a company in Geneva, Dziurzynski & Associates SA) Mr Gohl of Arlington Sharmas wrote that Stanhope Investments Ltd and Parabola International were the principal shareholders of Aviation Development Corporation Plc, whose subsidiary is Wings Aviation. It was stated that total purchase price of the Challenger jet would be \$20m and the aircraft would form part of the Charter company structure. In a letter from Mr Noggleson on behalf of Wings Aviation Ltd dated 25 October 2005 to Parabola he refers to their investment into Teleton Guaya and Clover International (I am unsure of the significance of this latter company). Mr Noggleson appears to confirm that Stanhope Investments Limited has invested in Wings Aviation for the purposes of this particular investment. It is stated that the source of Wings' investment funds "have never been discussed with yourselves" and that Wings are not aware of any problems with the origin or source of these funds. There is therefore good reason to believe that Stanhope investments, and therefore JAMES IBORU, has provided the funds for purchase of the Challenger jet. I exhibit copies of both these letters at PG/1 pages 1-3.
- (i) I can confirm that the sale of this aircraft is almost complete. A final payment is awaited. Once that payment has been cleared the aircraft will be properly registered and I have been informed that the aircraft will be registered in the United States. However, I have been in contact with Jones Day solicitors on behalf of Bombardier, and understand that the contract for the purchase of the aircraft may be terminated imminently resulting in the return of the purchase monies amounting to up to \$20million. I have been provided with contractual documents in respect of the proposed purchase which are at pages 4 - 26 of exhibit PG/1 and believe that provision is made for termination of the contract in certain circumstances, and that until

Signed.....

Date.....


30-7-07

25

until the final payment and acceptance has been made the property in the aircraft remains with Bombardier Inc.

EXTENT OF BENEFIT

26. There are reasonable grounds for believing that JAMES IBORI has committed offences within this jurisdiction contrary to section 327 POCA (concealing, disguising, converting or transferring criminal property) and section 328 POCA (entering an arrangement which he knew or suspected would facilitate the acquisition, retention, use or control of criminal property by or on behalf of another person). The total amount of criminal property believed to have been laundered by JAMES IBORI and others in the UK is estimated at £20million within the period 2005-6 alone.

27. The criminal investigation is being undertaken with a view to the potential prosecution of JAMES IBORI in the UK for these offences. If convicted, JAMES IBORI would then be the subject of confiscation proceedings under POCA.

28. In my opinion there are reasonable grounds to believe that a confiscation order pursuant to section 6 of the Proceeds of Crime Act 2002 may be made against the defendant in the criminal proceedings, and that the criminal lifestyle assumptions of section 10 of the Proceeds of Crime Act 2002 are applicable to this case. The basis of that opinion is as follows:

(a) I believe that defendant has a criminal lifestyle through having committed a criminal lifestyle offence of a relevant description, as defined in section 75 of the Proceeds of Crime Act 2002 and Schedule 2 of the Act, namely Money Laundering contrary to Section 328 Proceeds of Crime Act 2002.

Signed.....
Date.....
30-7-07

(b) I believe that defendant has benefited from his criminal conduct. The circumstances of the alleged offences, the personal circumstances, realisable property and lifestyle of defendant and his apparent lack of legitimate income to support his assets and his lifestyle, support this belief.

(c) It is, therefore, my opinion that this is an appropriate case for the court to apply the assumptions under section 10 of the Proceeds of Crime Act 2002 when assessing the extent of the benefit from criminal conduct.

29. There is nothing to indicate that it would unjust to apply the assumptions and therefore, if convicted, JAMES IBORI would be liable to account for the entirety of wealth and transfers within the relevant six year period. Accordingly, there are reasonable grounds for believing that the entirety of his worldwide wealth may need to be applied towards satisfaction of any confiscation order which may be made.

LEGITIMATE AND POSSIBLY LEGITIMATE SOURCES OF INCOME

30. As a Governor JAMES IBORI's salary was £12,000 p.a.

31. In his application for a bank account on behalf of Stanhope JAMES IBORI stated that he might invest £100m in the bank and stated that he was 30% owner of the largest private oil company in Nigeria, OANDO. However, I have investigated this and received notification from the Nigerian authorities that his shareholding in OANDO is valued at no more than £126.

32. The payments of £2.98m from Chevron Oil and the Nigerian National Petroleum Company to M.E.R. Engineering Ltd were purportedly legitimate, and in respect of the rental of 2 large houseboats (sleeping 70 persons). However, firstly there is no reason why the funds, if legitimate, should have been transferred to the UK for the benefit of JAMES IBORI (who was no longer a shareholder in the company after taking office);

Signed.....

Date.....


30-7-07

secondly, it is suspected that the transfers were corrupt payments rather than in exchange for legitimate services, connected to the fact that at the time JAMES IBORI was Governor. Moreover, these payments are a fraction of the total amount of money transferred to JAMES IBORI's control during his governorship.

33. I am aware of suggestions on the Internet that JAMES IBORI has owned an airline since 1997. However, I have been able to find no evidence to support this suggestion, and JAMES IBORI has never declared any such interest.

34. From my examination of JAMES IBORI's financial affairs, I have been unable to find any legitimate source of income which could conceivably fund the wealth that JAMES IBORI now enjoys.

RISK OF DISSIPATION

35. I believe that if a Restraint Order is not made there is a real risk that the assets will be dissipated for the following reasons:

- (a) Bombardier Inc. are contemplating returning up to \$20m in respect of the purchase of the Challenger jet. It is assumed that return would be made to companies within the control of JAMES IBORI – this represents a massive transferable asset, as would the Challenger jet if the transaction was completed;
- (b) JAMES IBORI no longer enjoys immunity in Nigeria and in recent weeks 5 former governors have been charged in Nigeria with corruption offences. JAMES IBORI may feel that prosecution and loss of his assets is now a real possibility;
- (c) Three others have now been arrested on suspicion of laundering his proceeds: POGOSON, IBORI-IBIE and OKORONKWO;
- (d) JAMES IBORI is aware that a criminal investigation has commenced against him and that

Signed.....

Date.....30-7-07

that the assets listed above are alleged to be the proceeds of criminal conduct, which could be forfeited or confiscated from him. He may take steps to conceal or dissipate these assets in the meantime.

- (e) The Crown's case is that JAMES IBORI has been part of a large money laundering conspiracy. He is therefore experienced at moving and concealing monies.
- (f) I exhibit at pages 26 – 29 of exhibit PG/1 a letter and attachments from Messrs Speechly Bircham solicitors for JAMES IBORI. Notice was effectively given to Speechly Bircham (the purpose of the conversation being to ask about service) that a restraint order was being considered against JAMES IBORI. Accordingly, this application is on notice to JAMES IBORI, and Speechly Bircham will be served with the draft order and this statement two clear days before the listing of this matter in the Crown Court. I entirely reject the suggestion made in their letter dated 18 July 2007 that the purpose of a restraint order is to pressurise JAMES IBORI into a meeting with the Metropolitan Police. The purpose of the order is to preserve the very considerable assets which there is reason to believe have been misappropriated by JAMES IBORI whilst he was governor of Delta State.
- (g) In so far as I am aware, no civil proceedings have been commenced on behalf of any person that might be said to have sustained loss arising out of the commission of the alleged offence(s)

ORDERS SOUGHT

Restraint Order

36. A Restraint Order is sought against the defendant in respect of the following property, which, to the best of my ability, I am able to particularise as follows:-

Signed.....

Date.....30-7-07

29

- (a) 7 Westover Hill, London, NW3 7VH Title number NGL624486 in the name of Haleway Properties Ltd;
- (b) Flat 23, 20 Abbey Road, London, NW8 9BJ Title number NGL699019 in the name of JAMES IBORI;
- (c) 42 Great Ground, Shaftsbury, Dorset, SP7 8FF Title number DT 326978 in the name of Teleton Quays Ltd;
- (d) Bentley continental GT registration LK54 NFT registered in the name of JAMES IBORI;
- (e) Mercedes McClaren Maybach registration XC05 AAM, *ibid*;
- (f) Chrysler registration number LN51 FRT, *ibid*;
- (g) Jaguar registration number W933 VLP, *ibid*;
- (h) A Challenger 300 aircraft alternatively any monies proposed to be returned by Bombardier Inc. in respect of the termination of the proposed purchase;
- (i) Barclays Bank Plc. Account number 0011-5916 sort 20-47-42 in the name of JAMES OBORI;
- (j) Abbey National Instant Saver account number X105847511BC in the name of JAMES OBORI TRUSTEE FOR Miss Osaseri IBIE;
- (k) All accounts held by Stanhope Investments Ltd at PKB Private Bank AG, Switzerland and all other assets held by or on behalf of Stanhope Investment Ltd;
- (l) All assets held by or on behalf of Teleton Quays Ltd.

37. It is submitted that it is appropriate to treat the assets of Haleway Investments Ltd, Stanhope Investments Ltd and Teleton Quays Ltd as the assets of JAMES IBORI. There are strong grounds to believe that each of these companies are investment vehicles for JAMES IBORI using his assets, and controlled by him, and that it is therefore appropriate to pierce the corporate veil in respect of each. Stanhope Investment Ltd's account was opened in Switzerland by JAMES IBORI, and monies were transferred from that account for the purchase of the Challenger jet and the Maybach motor vehicle. Teleton Quays Ltd

Signed.....

Date.....30-7-07

30

Teleton Quays Ltd was the purchase medium for JAMES IBORI's house in Dorset, the Challenger jet, and the proposed purchase medium for land in Wincombe Lane. Haleway Investments Limited is the legal owner of the house in Hampstead occupied by the Defendant and his wife.

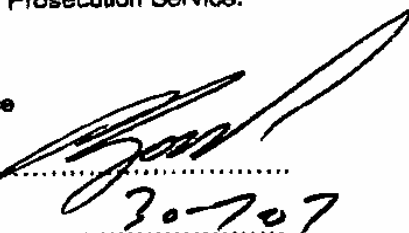
38. A restraint order is therefore sought against Haleway Properties Limited in respect of all its assets as well as the asset listed at paragraph 36(a) above.
39. A restraint order is also sought against Teleton Quays Ltd in respect of the asset listed at paragraph 36(c) above, and all other assets of Teleton Quays Ltd.
40. A restraint order is also sought against Stanhope Investments Ltd in respect of its accounts at PKB Private Bank AG, Switzerland and its other assets.
41. Bombardier Inc. have been made aware of the possibility of a restraint order in this case, and have signalled their concern that the terms of any order should not interfere with the terms of their contract with Teleton Quays Ltd. It is respectfully submitted that Bombardier Inc. should, if the contract is terminated, return the monies paid towards the purchase of the Challenger jet (or such monies as are payable under the terms of the contract) to a restrained high-interest account in the United Kingdom. It is submitted that a clause in the proposed restraint order as follows would be appropriate:

"in the event that Bombardier Inc. propose to return monies to Teleton Quays Ltd and/or Erin Aviation Ltd in respect of the purchase of the Challenger jet, the monies shall be transferred by Bombardier Inc. to an interest-bearing account in the United Kingdom to be nominated and agreed between Teleton Quays Ltd, Erin Aviation Ltd and the Crown Prosecution Service."

Service

Signed

Date



30-7-07