



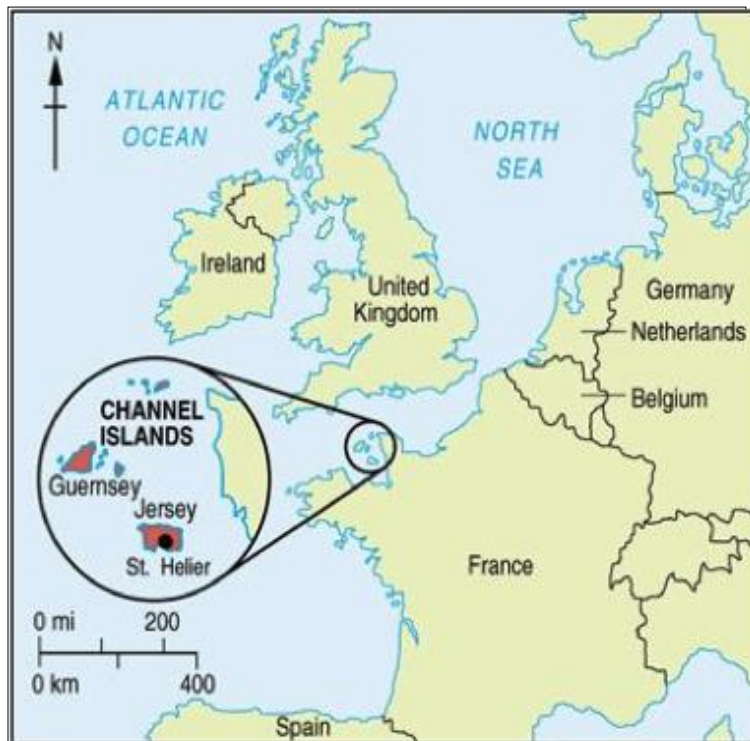
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GLOBAL EXPERT GROUP MEETING ON CORRUPTION INVOLVING VAST QUANTITIES OF ASSETS

IMPROVING INTERNATIONAL COOPERATION AMONG LAW
ENFORCEMENT AND JUDICIAL AUTHORITIES TO FACILITATE THE
INVESTIGATION, PROSECUTION AND ADJUDICATION OF CASES OF
CORRUPTION INVOLVING VAST QUANTITIES OF ASSETS.

Mark Temple QC
H.M. Solicitor General, Jersey
Oslo, 13 June 2019

INTRODUCTION – JERSEY AS A JURISDICTION



- A British Crown Dependency
- A mixed common law/civil law jurisdiction



INTRODUCTION – JERSEY AND ASSET RETURNS

- **Proceeds of Crime (Jersey) Law 1999**
- **Criminal Justice (International Co-operation) (Jersey) Law 2001**
 - **AG is the designated authority for mutual legal assistance**
 - **Independent, non-political Law Officers appointed by the Crown**
- **Civil Asset Recovery (Jersey) Law 2007**
- **Previous asset returns**



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- **Case Study: Doraville/Abacha monies**
- **Public domain judgments: www.jerseylaw.je**
 - **Jersey Legal Information Board**

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- **Doraville Properties Corporation: BVI Company.**
- **1999 Suspicious Transaction Report.**
- **Almost US\$500 million in Jersey.**
- **2003 Criminal Prosecution.**
 - **US\$163 million returned to Nigeria via an Asset Return Agreement.**

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- **Balance of approximately \$330 million in investment portfolios.**
- **US proceedings to forfeit Doraville assets on basis that they had been laundered through the US financial system.**
- **Proceedings issued by US District Court for the District of Columbia on 18 November 2013. In rem default judgment obtained.**
- **Jersey proceedings under Civil Asset Recovery (International Co-operation) (Jersey) Law 2007**
 - **Property Restraint Order (PRO) granted 25 February 2014 by the Royal Court of Jersey (similar to a freezing order).**

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- **Three [four] sets of third party challenges:-**
 - **Doraville/Abacha family – Property Restraint Order.**
 - **Lawyers – claim for contingency fees.**
 - **Bank – set off/lien/trust arising from claims by the liquidators of a Madoff Feeder Fund in the New York Courts.**
 - **[Federal Republic of Nigeria – constructive trust civil claim to the Doraville assets].**
- **Effect – delay, legal costs, erosion of trust.**



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- **Doraville challenge to PRO: Appeals up to the Privy Council: Defeated.**
- **Lawyers' claim to fees: up to the US Court of Appeal: Defeated.**
- **Bank's claim to set off/lien/trust claim: Jersey's Royal Court: Ongoing.**
- **Federal Republic of Nigeria : Jersey's Royal Court: Claim confined to Doraville's reversionary or contingent interest in the assets, subject to the US's proceedings under the 2007 Law. Claim stayed pending determination of the 2007 Law proceedings.**



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- **We achieved registration of the US judgment by order of Jersey's Royal Court in February 2019.**
- **So far US\$267, 751,992.02 of Doraville's assets paid into Civil Asset Recovery Fund on 31 May 2019.**
- **Tripartite negotiation of Asset Return Agreement in progress with US and Nigeria.**



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- **Lessons learned:**
 - **Legislative framework**
 - **Building confidence and trust – negotiation, regular dialogue**
 - **Teamwork – DOJ; AG for Nigeria**
 - **Taking legal action**
 - **International Co-operation (Protection from Liability) (Jersey) Law 2018**



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- Questions?

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