

IN THE CROWN COURT SITTING AT SOUTHWARK



Case No 74/14

IN THE MATTER OF THE CRIMINAL JUSTICE (INTERNATIONAL CO- OPERATION) ACT
1990 (ENFORCEMENT OF OVERSEAS FORFEITURE ORDERS) ORDER 2005



BEFORE MR JUSTICE EDIS

- (1) ENI S.p.A.
- (2) GIANLUCADINARDO
- (3) ROBERTO CASOLA
- (4) VINCENZO ARMANNA
- (5) ZUBELUM CHUKWUEMEKA OBI
- (6) PAOLO SCA.RONI
- (7) CLAUDIO DESCALZI
- (8) LUIGI BISIGNANI
- (9) CHIEF DAUZIA LOYALETETE

DEFENDANTS

-AND-

MALABU OIL AND GAS LIMITED

(First Interested
Party)

THE FEDERAL REPUBLIC OF NIGERIA

(Second Interested
Party)

VARIATION
ORDER

UPON the application of the Federal Republic of Nigeria (the Second Interested Party) to discharge the External Restraint Order granted on 8 September 2014 by Her Honour Judge Taylor sitting in Private ("the Restraint Order") as varied on 15 September 2014

AND UPON the Court being notified of the judgment in default in favour of the Federal Republic of Nigeria under case no **CL-2016-00631** against the first interested party obtained in the Commercial Court on the 19th December, 2016 in respect of the funds restrained by the 8th September 2014 Restraint Order.

AND UPON the court and the Crown Prosecution Service being notified by the Federal Republic of Nigeria of its commitment to receive the funds currently subject to the Restraint Order in accordance with the spirit of the Memorandum of Understanding entered into between the Federal Republic of Nigeria and Her Majesty's Government on 30 August 2016.

AND UPON the court and the Crown Prosecution Service being notified by the Federal Republic of Nigeria of its commitment to receive the funds (being any balance of the US\$215 million paid into the High Court on 4 August 2011 held in account number 00FCI128X by the Court Funds Office at Natwest Bank, City of London Branch, Sort Code 60-00-01 but which is currently not subject to the Restraint Order) in accordance with the spirit of the Memorandum of Understanding entered into between the Federal Republic of Nigeria and Her Majesty's Government on 30 August 2016

AND UPON the Federal Republic of Nigeria having communicated in writing the two such commitments to the court.

AND UPON the CPS hereby consenting to this Order and no other party having objected to the application to discharge

IT IS ORDERED THAT

1. The application to discharge the Restraint Order is refused.
- 2, Paragraph 5A be inserted to the Restraint Order:

"5A Nothing in this Order prevents payment being made to the Federal Republic of Nigeria of any monies held by the Court Funds Office at Natwest Bank, City of London Branch, Sort Code 60-70-80, account number 140/00/42043336, account alias AGSCOOFC1128X."

Through their account at Guaranty Trust Bank UK Limited. details of which are as follows:

Account Name: CBN OAGF FGN ASSET RECOVERY USD ACC.

Account No: 901-10302-2-5033-56

IBAN: GB73GTB16080310302168

CURRENCY: USD.

Bank: GUARANTY TRUST BANK UK LIMITED.

3. There shall be no order for costs on the Federal Republic of Nigeria's application to discharge the Restraint Order.

DATED:

[Handwritten signature]

COURT-STAMP

SIGNED

12 October 2017.



COMMUNICATIONS WITH THE COURT

All communications to the court about this Order should be sent to

Southwark Crown Court, 1 English Grounds (off Battlebridge Lane), London SE1 2HU quoting the case number. The office is open between 9am and 5pm, Monday to Friday. The telephone number is 0207 522 7200 and the fax number is 0207 522 7300. The email address is enquiries@southwark.crowncourt.gst.gov.uk

ADDRESS OF THE APPLICANT FOR SERVICE AND ANY COMMUNICATION IN RESPECT OF THESE PROCEEDINGS

*CPS Proceeds of Crime
5th Floor, Rose Court, Southwark Bridge, London, SE1 9HS
Tel No +44 (0)20 3357 0000
Fax No+44 (0)20 3357 0388 | 89 | 90*

The Defendants' names should be quoted in any communication with the Applicant. The office of the CPS Proceeds of Crime is open between 9am and 5pm Monday to Friday.

ATTORNEY-GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE

P.M.B 192
Telegrams: Solicitor
Telephone: 09-5236194
Telefax: 09-5236208



Federal Ministry of Justice
Plot 71B
Shehu Shagari Way
Abuja, FCT
Nigeria

26th September, 2017

Johnson & Johnson, Solicitors
Plot 15 Chief Okupe Estate
Maryland, Lagos.
Instructing Solicitors

And

Verdant Solicitors
309 Hale Lane
Edgware, Middlesex.
HAB 7AX.



*Considered and relied
as a valid Variation
Order
And Stated 3
12. Oct. 17*

Dear Sirs,

RE: SUIT NO: POCA 74/14 UK COURT (EVP-V-MALABU OIL & GAS LIMITED)

Kindly refer to your letter dated 24th September, 2017 on the subject-matter captioned above.

2. In line with your request and the order of court, I write to convey to you and the Honourable Court the undertaking and confirmation of the Federal Government of Nigeria that the remitted funds will be utilized in accordance with the spirit and provisions of the Memorandum of Understanding entered into on 30th August, 2016 between the Federal Government of Nigeria and the Government of the United Kingdom of Great Britain and Northern Ireland on the Modalities for the Return of Stolen Assets Confiscated by the United Kingdom.

3. Kindly note that in line with government policy on recovered funds, the entire sum and accrued interest due in the instant case should be paid into the Account Details hereunder:

ACCOUNT NAME: CBN OAGF FGN ASSET RECOVERY USD ACC

ACCOUNT NO: 901-10302-2-5033-56

IBAN: GB73GTB16080310302168

CURRENCY: USD

BANK: GUARANTY BANK UK LIMITED

OFFICE OF THE ATTORNEY-GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE

4. A draft copy of the court order is attached herewith for your further action.
5. Please accept the assurance of my best wishes and consideration.



ABUBAKAR MALAMI, SAN
*Honourable Attorney-General of the Federation
& Minister of Justice*

Copy to:

1. **Crown Prosecution Service**
CPS Proceeds of Crime – Central Pre-Enforcement Unit
5th Floor, Rose Court, 2 Southwark Bridge
London SEJ 9HS
DX 154263 Southwark 12
2. **Southwark Crown Court**
Clerk to Mr. Justice Edis
1 English Grounds (Off Battlefield Lane)
London SEJ 2HU

Above is for your information and necessary action please.

ABUBAKAR MALAMI, SAN
*Honourable Attorney-General of the Federation
& Minister of Justice*



FAO Mr Anthony Igbiniyesu
Verdant Solicitors
309 Hale Lane
Edgware
HA8 7AX

By fax only to: 0208 905 3389
Our ref: 87P10221613

11 October 2017

Dear Sirs,

RE: ENI & ORS AND MALABU OIL AND GAS LIMITED
Federal Republic of Nigeria Application for Discharge - ERO Case No 74/14 -
Southwark Crown Court

We write further to your letters of 7 October 2017 and note your explanation as contained in the first of those letters.

We have now given further careful consideration to both the contents of the undertaking of 26 September 2017 provided by the Federal Republic of Nigeria (FRN) to the Court and the terms of the FRN's variation. The CPS is now able to confirm its consent to vary the ERO in accordance with the FRN's undertaking and amended draft variation.

We also confirm we have forwarded the FRN's letter of undertaking and variation to Alison Moore at the Home Office whose contact details for the FRN's future convenience are as follows:

Alison Moore
Asset Recovery Lead
SCOC – Economic and Cyber Crime Unit
Home Office
6th Floor, Peel Building
2 Marsham Street
London SW1P 4DF

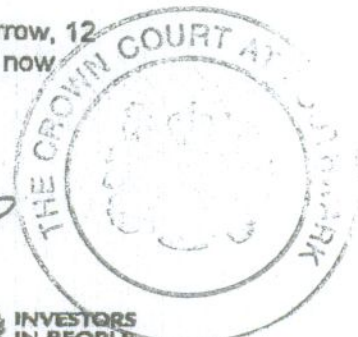
Email: Alison.Moore@homeoffice.x.gsi.gov.uk

Finally, we note that absent our agreement, a hearing had been sought for tomorrow, 12 October 2017. We trust you will ensure the Court is advised that a hearing is not now required.

Yours faithfully,

And Stedie

12-10-17



Crown Prosecution Service

CPS Proceeds of Crime, 5th Floor, Rose Court, 2 Southwark Bridge, Southwark, London SE1 9HS
www.cps.gov.uk | DX 154263 Southwark 12 | Fax 020 3357 0390 | Email OCD.POCU@cps.gsi.gov.uk

INVESTORS
IN PEOPLE

Lesli Sternberg
Specialist Prosecutor & Crown Advocate
Central Pre-Enforcement Unit
Proceeds of Crime

Cc Southwark CC
Clerk to Mr Justice Edis

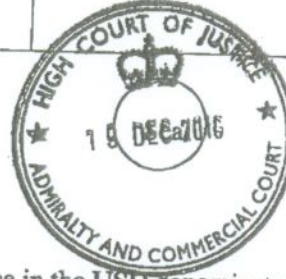
**Judgment for Claimant
(in default)**

To ~~[Claimant]~~[Defendant]~~[s.solicitor]~~

Malabu Oil & Gas Limited
A company Incorporated under the
Laws of the Federal Republic of
Nigeria
35 Kingsway Road
Ikoyi
Lagos
Nigeria

**In the
ADMIRALTY AND COMMERCIAL
COURT**

Claim No.	CL-2016-000631
Claimant (including ref.)	The Federal Republic of Nigeria
Defendant (including ref.)	Malabu Oil & Gas Limited
Date	



To the Defendant

You have not replied to the claim form

It is therefore ordered that you must pay the claimant the balance in the USD denominated supreme court account (of **\$85,000,000** which at today's rate of exchange being 0.79 to one GBP converts to GBP equivalent of **£66,619,087.05** together with any interest which has accrued on that amount) and £10,185 for costs forthwith.

If you ignore this order your goods may be removed and sold, or other enforcement proceedings may be taken against you. If this happens further costs will be added. If your circumstances change and you cannot pay, ask at the court office what you can do.

Notes for the defendant

If you did reply to the claim form and believe judgment has been entered wrongly in default, you may apply to the court office giving your reasons why the judgment should be set aside. An application form is available for you to use and you will need to pay a fee. A hearing may be arranged and you will be told when and where it will take place. If you live in, or your solicitor's business is in, another court's area, the claim may be transferred to that court.

you can ask the court to cancel the entry on the Register. You will need to give proof of payment. You can (for a fee) also obtain a Certificate of Cancellation from the court. If you pay the debt in full after one month you can ask the court to mark the entry on the Register as satisfied and (for a fee) obtain a Certificate of Satisfaction to prove that the debt has been paid.

If the judgment is for £5,000 or more, or is in respect of a debt which attracts contractual or statutory interest for late payment, the claimant may be entitled to further interest.

This judgment has been registered on the Register of County Court Judgments. This may make it difficult for you to get credit. If you pay **in full within one month**

How to pay

- Payment(s) must be made to the person named at the address for payment, giving the claimant's reference and claim number
- **DO NOT** bring or send payments to the court – they will not be accepted
- You should allow at least 4 days for your payment to reach the claimant or his representative
- Make sure that you keep records and can account for all payments made. Proof may be required if there is any disagreement. It is not safe to send cash unless you use registered post
- Leaflets on registered judgments, how to pay and what to do if you cannot pay are available from the court

Address for payment

Verdant Solicitors
309 Hale Lane
Edgware
HA8 &AX

The court office at the Admiralty and Commercial Court, The Rolls Building, Fetter Lane London EC2A 1NL is open between 10 am and 4 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager

N30 Judgment for Claimant (in default)

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