Civil Recovery vs Recovery through Criminal Courts

“Confusion to the Enemy!”

Keith E. Oliver
Peters & Peters, London
Recovery in the Criminal Courts

There are numerous criminal powers in asset tracing cases available under POCA 2002, SCA 2007 and PACE 1989:

- Confiscation Orders
- Restraint Orders
- Freezing Orders
- Search and Seizure Warrants
- Production Orders

These Orders are available to the Serious Organised Crime Agency.
Increase in use of Civil Powers in Asset Tracing

- **SOCA** also has numerous civil powers in asset tracing under POCA 2002 including:
  - Search Orders
  - Seizure and Detention Powers
  - Continued Detention of Assets
  - Forfeiture Orders

- As well as SOCA investigating fraud and tracing assets, Richard Alderman, Director of the **SFO**, recently intimated an increase in investigations into fraud.

- There will be an increase in the SFOs use of civil powers as result of the Balfour Beatty case last autumn.

- Balfour Beatty Plc, the engineering and construction group, agreed to pay a £2.25 million fine after admitting to “payment irregularities” linked to a £75 million project to build a library in Egypt almost eight years ago.
The SFO has a New Weaponry against Fraud

- Plea negotiations - so that only one or two charges proceed to court.
- Alternatives to prosecution e.g. civil recovery orders.
- Encouraging companies to come forward, admitting that fraud or corruption has been unearthed and agreeing with the SFO on how to put things right, including a “proper culture of ethics and compliance” and external monitoring.
- Cross-jurisdictional settlements with the US or other prosecuting authorities, where the SFO is looking for “global settlements” - in which a company benefits from a simultaneous resolution of an investigation by all the national prosecutors involved.
- The SFO have launched a telephone hotline to encourage people to ring in with tips about suspected frauds. So far there have been three whistleblower calls, several contacts from professional bodies and more than 100 e-mails and 70 letters and phone calls this year.
International Fraud Claims

• Dramatic growth of international fraud over the last 25 years.

• It is important to free trade and the provision of services (particularly financial services) that those who commit such frauds and those who are victims of them are aware that effective means of redress are available.

• Simultaneous developments in the international banking systems have enabled stolen money to be transferred very quickly from one institution to another and, indeed, from one country to another.

• The speed with which such funds can be transferred has facilitated the activities of professional fraudsters whose modus operandi is to commit frauds and transfer the monies away very rapidly.

• Development of international money laundering legislation has provided some fetter upon the ability of fraudsters to spirit away stolen proceeds but it has obviously not been completely effective for this purpose.
International Asset Tracing

• The tracing of and recovery of assets is seen as an important element in the delivery of justice, and sends out a strong deterrent message.

• States should be able to provide expeditious access to necessary financial information in order to assist investigations and prosecutions, and to trace assets for the purposes of confiscation.

• Criminal Mutual Legal Assistance treaties alone are not sufficient. Immediate cross-border recovery and parallel sanction approaches essential particularly where State assets are concerned.
• In international fraud claims in jurisdictions that permit disclosure *in personam*, once it has been established that the Court has jurisdiction over the defendant and that he received the funds and/or is likely to have, in some measure, assets within the jurisdiction of the Court, the Court will require him very rapidly (the standard English freezing order says "forthwith"), to disclose what has become of the proceeds of fraud and where his assets are to enable the claimant to know how and where to seize them and to ensure that third parties who hold those funds are aware of the English Court Order.

• Safeguards are, of course, written in to the process to protect the defendant's civil rights and legitimate interests. For example, his rights in relation to privilege against self-incrimination, his rights to obtain legal advice and to fund it, and his opportunity to apply to set aside the injunction on the basis that it should never have been granted.
The StAR Initiative

• The Stolen Asset Recovery Initiative (StAR) was started by the World Bank group and the United Nations Office on Drugs and Crime to help developing counties recover the assets stolen through corruption.

• StAR helps developing countries build capacity to recover the assets and stem new outflows.

• StAR works with major financial centres to lower barriers to recovering stolen assets and to detect and prevent their concealment.

• StAR is becoming the source of information and precedent for criminal cases of asset recovery.

• But what of civil recovery?
European Arrest Warrant

- Effectively calling for best parts of English Common Law and Equitable Tracing to be transposed across the EU.

  
  – Intended to simplify procedures, reduce duplication and prevent delay in bringing accused persons to trial in Member States and in other countries with criminal justice procedures of equivalent standing to our own.
  
  – A national court may issue an EAW if the person whose return is sought is accused of an offence for which the penalty is at least a over year in prison or if he has been sentenced to a prison term of at least four months.
  
  – The state in which the person is arrested must return him to the state where the EAW was issued within a maximum of 90 days of the arrest.
  
  – The EAW abolishes political involvement in the extradition process. The execution of warrants should simply be a judicial process under the national judicial authority.
  
  – Under the EAW EU countries can not refuse to surrender their own nationals but Member States can request that the person is returned to its territory to serve his sentence.
Dadourian Group International Inc and others v Simms and others [2006] EWCA Civ 399

- After an Arbitration in the USA, the Claimants issued proceedings in England and Wales.

- Worldwide freezing order (WFO) obtained against the first four defendants.

- Contained an undertaking by the claimants that they would not seek to enforce the order in any country outside England, Wales or France, without permission of the court.

- The judge held that all the claimants needed to show about the existence of assets abroad was that there was a real prospect that the defendants were entitled to assets in that jurisdiction, and refused to discharge the Swiss variation order.

- The defendants appealed but the appeal was dismissed.
Worldwide Freezing Order

- The interests of the other parties to the proceedings and any new party likely to be joined should be balanced against those of the applicant.

- The grant of that permission should be just and convenient for the purpose of ensuring the effectiveness of the WFO.

- Consideration should also be given to the proportionality of the steps proposed to be taken abroad, and in addition to the form of any order.

- The interests of the applicant should be balanced against those of the external defendant to be joined to the foreign i.e. UK proceedings.
the BIGGEST ‘419’ DEAL EVER!

...Inside story of the $242 Million scam
A High Profile Victim of the the 419 Nigerian Letter Advance Fee Fraud:

THE BANCO NOROESTE STORY
419 Fraud – the Basics

• A confidence trick in which the target is persuaded to advance sums of money in the hope of realising a much larger gain.

• This type of scam, originally known as the “Spanish Prisoner Letter,” has been carried out since the sixteenth century via ordinary postal mail.
• The number "419" refers to the article of the Nigerian Criminal Code (part of Chapter 38: "Obtaining Property by false pretences; Cheating") dealing with fraud.

• These scams have come to be associated in the public mind with Nigeria due to the massive proliferation of such confidence tricks from that country since the mid-eighties, although they are often also carried out in other African nations, and increasingly from European cities with large Nigerian populations, notably London and Amsterdam
BEWARE
EFCC will get you anywhere, anytime!
The Facts

- Perpetrated by three Nigerians who impersonated various officials from the Central Bank of Nigeria.

- Convinced an employee of Banco Noroeste to invest in the building of an airport in Abuja, Nigeria.

- Banco Noroeste lost $242m through the latter half of the 1990s.

- The fraud was discovered in 1998 when Banco Noroeste was bought by a Spanish bank.
TO: NELSON T. SAKAGUCHI
STANTON DEVELOPMENT CORP., BRAZIL

CREDIT ADVICE

This is to inform Stanton Development Corp., Brazil, that instructions have been forwarded to the offshore bank of Central Bank of Nigeria in New York (The Standard Finance Clearing House N.Y. 10023) 976, Franklin St, New York to pay the sum of US Dollars $231,002,000.15 (Two Hundred and Thirty One Million, Eight Hundred and Eighty Two Thousand, Fifteen Cents US Dollars only) including the overdraft interest for the first quarter of the year 1997.

The Standard Finance Clearing House shall be forwarding these funds as soon as the necessary protocols have been observed to your designated bank, that is to say:

CHEMICAL BANK OF NEW YORK
BANCO NORDESTE S/A CAYMAN ISLANDS BRANCH
ACCOUNT NUMBER: 544-7-07768

We once again congratulate you.

Regards,

Dr. O. D. Onye

Cc: STANDARD FINANCE CLEARING HOUSE
CENTRAL BANK OF NIGERIA
MINISTRY OF AVIATION & TRANSPORT
**CENTRAL BANK OF NIGERIA**

**FOREIGN EXCHANGE RELEASE ORDER**

**PAYMENT SCHEDULE (INTERNATIONAL) FOR 1ST QUARTER 1995**

**SCHEDULE D**

NON OIL TRANSFER WORLD WIDE PROJECTS

EXTERNAL ACCOUNT RESERVE

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>NAME OF BENEFICIARY</th>
<th>CATEGORY</th>
<th>TOTAL FUND</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>STANTON DEVELOPMENT CORP., BRASIL</td>
<td></td>
<td>$39,016,000.00</td>
</tr>
<tr>
<td>2.</td>
<td>SITAK HANDLES AG</td>
<td></td>
<td>$87,200,000.00</td>
</tr>
<tr>
<td>3.</td>
<td>TRANS AMERICAN IMPS LTD.</td>
<td></td>
<td>$101,100,000.00</td>
</tr>
<tr>
<td>4.</td>
<td>LINCOLN SHOP ENT.</td>
<td></td>
<td>$24,200,000.00</td>
</tr>
<tr>
<td>5.</td>
<td>UNITED STATES GYPSUMS</td>
<td></td>
<td>$52,050,000.00</td>
</tr>
<tr>
<td>6.</td>
<td>C.C. WINSTON &amp; CO. INC.</td>
<td></td>
<td>$9,100,000.00</td>
</tr>
<tr>
<td>7.</td>
<td>BELMUTI FISCHER GMBH</td>
<td></td>
<td>$10,400,000.00</td>
</tr>
<tr>
<td>8.</td>
<td>PROJECT FIELD SERVICES</td>
<td></td>
<td>$11,500,000.00</td>
</tr>
</tbody>
</table>

**ALL PAYMENTS TO BE EFFECTED ON THURSDAY BEING 15-5-95 AT 15.00 HRS.**

NIGERIAN TIME TO THE ABOVE EIGHT RESPECTIVE COMPANIES.
The Proceedings

• Involved a worldwide legal team in over eight jurisdictions with proceedings running simultaneously in all the jurisdictions.

• This is a case that ran the length - insofar as the UK proceedings were concerned - of all possible interlocutory and emergency civil procedures.

• Aside from civil proceedings in the UK, the US and Hong Kong, simultaneous civil and criminal investigations and proceedings were commenced in Switzerland, and subsequently in Nigeria.

• The Defendants and the third parties who had dealt with them were cornered and held judicially accountable by a series of litigation ‘pincer’ movements around the globe.
The Nigerian Proceedings

Challenges
- Country’s image problems.
- Time that had elapsed since fraud perpetrated.
- Major suspects had become extremely wealthy, and powerful, as result of crimes.
- Operation of Nigerian judicial system.

Challenges of litigation in Nigeria.
- System based upon UK’s common law system.
- Adversarial system.
- In practice, system plagued by archaic rules of practice & procedure; extremely generous rights of appeal; system that does nothing to discourage abuses.
Enter the EFCC!!

- EFCC established by Nigerian Government by legislation passed in December 2002, as result of pressure from the Financial Action Task Force (FATF) of the Organisation for Economic Cooperation and Development (OECD) to introduce more effective anti Money Laundering provisions.

- Commission actually established in May 2003.

- Within few days of establishment of Commission in May 2003, action taken to arrest, detain and prosecute fraudsters who had previously avoided or stalled prosecutions, including major Nigerian beneficiaries of fraud, Emmanuel Odinigwe Nwude and Martina Amaka Anajemba.

- After initially evading arrest, and mounting legal challenge to powers of EFCC, both were eventually arrested in July 2003 (Nwude) and November 2003 (Anajemba)
• Arraigned in February 2004.

• After taking advantage of judicial system for eight months, defendants suffered serious blow when interim forfeiture of assets was obtained in October 2004.

• Had effect of seriously undermining ability to fund their expensive lawyers.

• Forced them to negotiate more realistically!

• July 2005, Amaka Anajemba pleaded guilty to reduced charges and is ordered to forfeit assets in Nigeria worth US$ 20.4 million.

• November 2005, Nwude also pleads guilty to reduced charges; Sentenced to five 5 year jail terms; Ordered to make restitution of US$110 million to victims of fraud.
Present Position with recoveries

• Anajemba assets yielded all of the US$46 million she agreed to re-pay.

• Nwude assets have yielded US$74.5 million thus far – possible to realise further US$ 35-50 million. However, he is endeavouring to reverse the forfeiture order by way of an appeal, and a criminal complaint against EFCC & SOOB.
The UK Proceedings

- Bankers Trust –v- Shapira proceedings against around 16 different Banks with offices in London

- Substantial disclosure of bank statements and banking records which was then utilised to produce detailed tracing schedules

- Substantive proceedings against one of the second level recipients in London – Chief Nwandu and his English company MacDaniels. Resulted in jurisdiction in the UK to bring proceedings directly against the main defendants.
• US$150million interim payment orders and US$240million summary judgment orders against the main conspirators which were exported to other jurisdictions for enforcement purposes

• Search & seizure orders, freezing orders, passport orders, Norwich Pharmacal orders (disclosure orders), interim payment orders, summary judgment, third party debt orders, charging orders and orders for sale

• In total forty two defendants were joined to the UK substantive proceedings.
ADVERTISEMENT PLACED PURSUANT TO THE ORDER OF THE HONOURABLE
MR. JUSTICE JACOB IN THE CHANCERY DIVISION OF THE HIGH COURT OF JUSTICE.
LONDON, ON FRIDAY 9 AUGUST 2002

IMPORTANT NOTICE CONCERNING:--
AMAKA MARTINA ANAJEMBA
CHIEF INNOCENT ANAJEMBA
DAX PETROLEUM NIGERIA LIMITED
PRIMOLE COMMUNICATIONS LIMITED and
FYNBAZ NIGERIA LIMITED
ALL OF GODAX HOUSE, 4, OGUI ROAD, ENUGU, ENUGU STATE, NIGERIA

IN LONDON ON FRIDAY 9 AUGUST 2002, THE HONOURABLE MR. JUSTICE JACOB ORDERED AMAKA MARTINA ANAJEMBA
(sued personally and as Administratrix of the Estate of Chief Christian Ikechukwu Anajemba), CHIEF INNOCENT ANAJEMBA (sued as
Administrator of the Estate of Chief Christian Ikechukwu Anajemba), DAX PETROLEUM NIGERIA LIMITED, PRIMOLE
COMMUNICATIONS LIMITED and FYNBAZ NIGERIA LIMITED, TO MAKE AN INTERIM PAYMENT OF US$150 MILLION (ONE
HUNDRED AND FIFTY MILLION US DOLLARS) TO CLAIMANTS IN PROCEEDING COMMENCED AGAINST THEM FOR CONSPIRACY TO DEFRAUD.

THE CLAIMANTS ARE ASSIGNEES OF BANCO NOROESTE SA OF SAO PAULO BRAZIL. BETWEEN 1995 AND 1997, BANCO
NOROESTE WAS DEFRAUDED OF $242 MILLION (TWO HUNDRED AND FORTY TWO MILLION US DOLLARS).

THE INTERIM PAYMENT ORDER MADE BY THE COURT IN ENGLAND AGAINST EACH OF THE ABOVE NAMED IS ON ACCOUNT
OF THE DAMAGES, DEBTS OR OTHER SUMS, TOGETHER WITH ACCRUED INTEREST, THAT THE COURT MIGHT FINALLY HOLD
EACH OF THEM LIABLE TO PAY TO THE CLAIMANTS.

A SET OF SERVICE DOCUMENTS FOR EACH OF AMAKA MARTINA ANAJEMBA, CHIEF INNOCENT ANAJEMBA, DAX
PETROLEUM NIGERIA LIMITED, PRIMOLE COMMUNICATIONS LIMITED AND FYNBAZ NIGERIA LIMITED, IN "ULLI
(CONTAINING COPIES OF THE INTERIM PAYMENT ORDER, INTERIM THIRD PARTY DEBT ORDERS (IN RESPECT OF BANK
ACCOUNTS), INTERIM CHARGING ORDERS IN RESPECT OF PROPERTIES AND AN ORDER APPOINTING A RECEIVER OF
CERTAIN PROPERTIES IN AID OF EQUITABLE EXECUTION OF THE INTERIM PAYMENT ORDER AND SUPPORTING APPLICATION
NOTICES) IS AVAILABLE FOR COLLECTION FROM THE OFFICES OF SOFUNDE, OSAKWE, OGUNDIPE & BELGORE OF ST
NICHOLAS HOUSE, CATHOLIC MISSION STREET, PO BOX 88367, LAFIAJI, LAGOS, NIGERIA UPON PROOF OF
IDENTIFICATION.
The ill-gotten gains

- Luxury cars.
- Homes across the globe.
- Large amounts of cash.
The Economic and Financial Crime Commission finally drags Advance Fee Fraud barons to the court amidst tales of a N45million bribery bait.
$242m Scam: Anajamba Pleads Guilty, Jailed

A new twist occurred yesterday before an Abuja High Court judge, Justice Olubanmi Oyewo, when both Arthur Nwokuba (Mtn) and FirstBank (Nig.) Limited 2nd and 4th accused persons respectively, pleaded guilty in a 13-month-old trial of seven accused persons who were alleged to have defrauded a Brazilian bank, Banco Nacional S.A. of $242 million.

Anajamba, who had consistently expressed her readiness to face trial, pleaded guilty to a fresh four-count charge (counts 86-91) contained in an amended information filed against her by the Economic and Financial Crimes Commission (EFCC) and was thereafter sentenced to two years and a half years imprisonment, said sentence to commence from January 30, 2004, when she was first remanded in custody.

In addition to her prison sentence which is expect- ed to be served on September 4 this year, Justice Oyewo also ordered that numerous public properties, valued at over $28 million, which were found in her possession, be forfeited and sold at public auction, the proceeds to be used to compensate the victims of the said fraud.

NEW IG: Police Commissioner, is said to be government’s favourite for the position. Sources said he is believed to possess some of the qualities wanted in a police officer in government at an IG level, with the police reform now at an advanced stage.

endency to suppress the outcome of the presidential investigation," the source said.

While government was very much embarrassed by Tafa Dogo's withdrawal, local government involvement in corruption and money laundering, they said the state government, led by a new chief executive, was willing to be patient and allow the investigation to proceed.

Besides, the source added that while his crime prevention and fighting ability have not been fully exploited, he has been found not to have done much up till now in the way of turning the tides and saving the state from the old ways of doing things.

Other accused persons, who were sentenced to 13 years imprisonment, said sentence to commence from January 30, 2004, when they were first remanded in custody, pleaded guilty to the four-count charge filed against them by the EFCC.

Delivering judgment, Oyewo read, "Having listened to the 2nd accused representing his counsel and 6th accused, and having listened to the submissions of Chief Chris Uche, SAN, their counsel and having also considered the facts as presented by Mr. Edosime, it is my finding that the 2nd and 4th accused persons did intend to defraud the victims of the said fraud and the 2nd accused since the inception of this case had been quite exemplary. I have also noted the diminution and general comportment of the 2nd accused since the inception of this case. That is why I have awarded the said sentence of two years' imprisonment and restitutio in injuriam.

"However, the judge said that the accused persons "will not be permitted to benefit from any gratuity. I therefore sentence the accused persons to 13 years imprisonment, the said sentence to commence from January 30, 2004, when they were first remanded in custody."

On count 98, the 4th accused person shall be remanded in the sum of N1 million to the Federal Government and the 3rd accused shall be remanded in prison for a period of 14 years, the said sentence to commence from January 30, 2004, when they were first remanded in custody.

The accused persons have been found not to have done much up till now in the way of turning the tides and saving the state from the old ways of doing things.
$242m Scam: Nwude Pleads Guilty, Bags 25 Yrs Jail Term

By Abimbola Akosile

In Nigeria, Okoli (arrested on January 20, 2004) is to face an uncompleted trial before Justice Oyewo on July 23, 2004, following an Abuja High Court's dismissal of the previous 80-count charge brought against him for lack of jurisdiction (offences were committed within Lagos jurisdiction). Emir of Kano, Sanusi Abubakar (SAN), G.O.K. Ajayi (SAN) and Olisa Agbakoba (SAN) had appeared earlier and brought several applications on behalf of Nwude. Late Chief Rotimi Williams (SAN) (briefly represented Arajannah), and Chief Chris Uche, who facilitated a plea bargain for him.

The 1st accused, who was the main perpetrator of the $242m fraud, was ordered to refund $110 million to Banco Nomeste and forfeit 14 properties situated in Lagos, Abuya, Enugu, and Anambra.

When the matter came up yesterday morning, Mr. Rotimi Jacobs, lead prosecution counsel, informed court of a 12-count charge (from Mr. Rickey Tarfa (SAN)) against Mr. Ademola Adesina, Ogunyemi, Okoli's counsel, after which the judge adjourned briefly to his chambers with all counsel to deliberate on the new dimension.

At 10.55am, when hearing resumed, Jacobs applied that the new charge be read to the accused persons with no objection from defence counsel. In a matrix which spanned 25 minutes (11.35am), Nwude, who sported an ash-coloured two-piece kattan, pleaded guilty to every charge read to him by the court registrar. Mrs. Rosalina, a move which was approved by Okoli (who wore a navy-blue suit on a white shirt). Both accused were allowed to remain on bail, pending trial.

The judge later sentenced Nwude to a 2-year imprisonment for each of the five counts against him (count 1, 2, 3, 4, 5), while Okoli was sentenced to 4 years for each of the three counts against him (counts 6, 7, 8) which are to run concurrently.

Amount obtained was to be repaid, and prosecution witnesses, who gave evidence to convict accused persons, tracing the fraud from March 20, 1998, when Sakaguchi was in court all through yesterday's proceedings.

Ademola Adesina (SAN) (lead defence counsel) initially charged alongside other suspects, pleaded guilty to a fresh 4-count charge on July 15, and were subsequently released on bail.
THE OUTCOME: A LANDMARK ACHIEVEMENT

Nwude (Odiwigwe)

- Convicted.
- Concurrent five year jail sentence.
- Ordered to disgorge $110 million to Victim shareholders and $10 million to Nigerian Government.
- Ordered to forfeit 14 properties (located in Lagos, Abuja, Enugu, Anambra, Rivers, and England), six choice cars and over 100 million shares in banks and various companies in Nigeria.
Amaka Anajemba

- Convicted.
- 2.5 year jail sentence
- Ordered to disgorge $20 million to Victim shareholders in addition to existing litigation proceeds.
- Judge in Lagos Justice Olubunmi Oyewole insisted balance must be struck between plea for mercy and need for a deterrent for would-be scammers.

Nzeribe Okoli

- Convicted
- 12 year jail sentence
- Ordered to forgo an uncompleted filling station, residential complex and all landed properties located at 6, Ocean Avenue, Nkpokiti, Enugu State.
Lessons

• Example of what can be achieved in problematic jurisdiction such as Nigeria.

• Proof that Nigeria’s law enforcement agencies are not necessarily corrupt and ineffective.

• How foreign judicial proceedings used to secure valuable results in Nigeria.

• Effects of regime change.
Outwitting the Defendant

- Clever fraudsters use their resources to delay proceedings - especially in international asset recovery. Some of the tactics used are:
  - Challenging the court’s decisions.
  - Side tracking court time with applications that the claimant has been guilty of non-disclosure when making without notice disclosure order.
  - Seeking lengthy trial timetables on the basis of alleged difficulties giving instructions on purported complex issues.
  - Need to give evidence abroad.
  - Claiming defendant is too sick to give instructions / participate in litigation. Examination by independent doctors is objected to on the grounds the defendant is too sick to consent.
  - Repeatedly changing lawyers (whilst failing to pay the previous lawyer’s costs so that lawyer may exercise a lien causing further delay)
Creating the International Fraud Litigation Team

- Decision making seat.

- Seek to ensure the right chemistry and collective fit – collective team work is fundamental.

- Ease of communication – team mail approach

- Regularity of meetings and conference calls
Choice of Jurisdictions

• Exercise the greatest care – only make an election on the basis of the fullest possible information and check carefully proposed defendant(s) local connections.

• Treat ancillary jurisdictions – and their Judiciary - with respect and equally your own lawyers there.

• Meet the local lawyers if time permits.

• Make an effort to understand local rules – even if they seem arcane!

• Strike the right balance – tensions between the common law jurisdictions and civil law regimes. Consider service distinctions and use of evidential material.
Managing the Team and the Personalities

- Team ethos.

- Sense of humour essential.

- No prima donnas or “my jurisdiction” chest beating.
To: xxxxxxxx@xxxxxx.de
From: anonymous@xxxxxxxxxxx.org
Date: 12 Apr 2004 09:10:43 GMT
Subject: Nigerian Astronaut Wants To Come Home

Dear Sir,

REQUEST FOR ASSISTANCE STRICTLY CONFIDENTIAL

I am Dr. Bakare Tunde, the cousin of Nigerian Astronaut, Air Force Major-Abacha Tunde. He was the first African in space when he made a secret flight to the Salyut 6 space station in 1979. He was on a later Soviet spaceflight, Soyus T-162 to the secret Soviet military space station Salyut ST in 1989. He was stranded there in 1990 when the Soviet Union was dissolved. His other Soviet crew members returned to earth on the Soyus T-162, but his place was taken up by return cargo. There have been occasional attempts since then to help him but no success. Now he wants to come home.

In the 16-years since he has been on the station, he has accumulated flight pay and interest amounting to almost $15,000,000 American Dollars. This is held in a trust at the Lagos National Savings and Trust Association. If we can obtain access to this money, we can place a down payment with the Russian Space Authorities for a Soyus return flight to bring him back to Earth. I am told this will cost $3,000,000 American Dollars. In order to access the his trust fund we need your assistance.

Consequently, my colleague and I are willing to transfer the total amount to your account for subsequent disbursement, since we as civil servants are prohibited by the Code of Conduct Bureau (Civil Service Law) from opening and/ or operating foreign accounts in our names.

Needless to say, the trust reposed on you at this juncture is enormous. In return, we have agreed to offer you 20 percent of the transferred sum, while 10 percent shall be set aside for incidental expenses (internal and external) between the parties in the course of the transaction. You will be mandated to limit the balance 70 percent to other accounts in due course.

Kindly expedite action as we are behind schedule to enable us include downpayment in this financial quarter.

Please acknowledge the receipt of this message via my direct number 234 (0) 9-234-2228.
Keith Oliver
PETERS & PETERS
15 Fetter Lane, London EC4A 1BW, UK
Tel: +44 (0)20 7822 7777
Fax:+44 (0)20 7822 7788
www.petersandpeters.com
KEOlive@petersandpeters.com